Hurriyat's Human Rights Report - 2016

By **Muhammad Raafi** - 3:49 pm December 30, 2016

Hurriyat (m) chairperson Mirwaiz Umar Farooq Thursday released "Human Rights Report 2016", prepared by the human rights division of the amalgam.

According to the report, the number of killings of civilians, militants and armed forces' personnel were higher this year compared to 2015.

The report says that the summer of 2016 "will go into the history of Kashmir as a season of 'Epidemic of Dead Eyes' due to the high magnitude of the havoc created by pellet guns".

The report lays a special focus on the killings and injuries of civilians post the July 8 killing of young militant commander Burhan Wani in an encounter with government forces in south Kashmir.

Referring to curfews, media gag and blinding of protesters due to pellets, it says that human sufferings touched new heights during this year and "this was a horrifying scenario which the valley has not seen since 1989".

Kashmir Life *reproduces the report in larger public interest:*

Annual Human Rights Report – 2016

This year, Kashmir saw the longest period of curfew, strikes and virtual denial of democracy. It was an unprecedented era of killings and blinding.

This year, Kashmir witnessed gross violation of human rights in the form of extrajudicial executions, torture, injuries, the killing of human beings, unabated use of Public Safety Act (PSA), illegal detentions, vandalism of properties, ban on congregational religious activities, media gags and a ban on communication and internet services. All these things and induction of additional troops are the evidence of the fact that the ground situation in Kashmir has deteriorated further during 2016.

Clashes between protestors and forces, border clashes, firings and curbs on the public movement also remained unabated. Due to the high magnitude of the havoc created by the pellet guns, the summer of 2016 will go into the history of Kashmir as a season of "Epidemic of Dead Eyes".

During this year Kashmir undoubtedly suffered on all fronts. Human sufferings touched new heights and this was a horrifying scenario which the Valley has not seen since 1989. As the wounds of 2008, 2009 and 2010 were still bleeding, 2016 has overtaken them all as number of horrid and horrendous cases of human rights abuses were reported from across the valley. Force used against the protesting children and youth during this year has no parallel in the contemporary history of the state. There are many instances in which excessive use of force has led to the killing of civilians. Excessive and disproportionate force was used with an apparent intent to kill and not to disperse protestors or enforce law and order. The argument that the government forces were forced to fire in self-defense, as they came under attack by unruly mobs, does not suffice and does not help the government to get away from its responsibility. A distinction has to be made between a government force, which is supposed to be governed by a set of rules, and a mob. If the government would have fixed the responsibility for the excessive use of force in 2010 and punished those who failed to follow the Standard Operating Procedure (SOP), perhaps the situation would have been different this time. Although superficial normalcy has been restored but peace can't be harnessed through use of coercive means only and in absence of concrete political initiatives it can at best be defined as 'negative peace' for some time, before it explodes again and Kashmir will continue to lose everything at the hands of all the players.

TOTAL KILLINGS

Total number of **389** *deaths in violent incidents was reported during this year. Out of 389 persons, 151 were Civilians, 80 Armed Forces and Police Personnel and 158 Militants. As compared to 2015, which witnessed 206 killings, the graph of killings during the year 2016 showed an upward trend.*

Out of 151 civilians killed, 119 persons were killed in forces action. Among these 119 persons, 02 persons were extra judicially executed. At least 18 persons killed by the forces had pellet injuries and 08 persons died due to hits by tear smoke shells while 05 persons died due to heart attack allegedly during the raids etc and 04 civilians were drowned during chase by the forces. At the same time one person died allegedly due to suffocation caused by the tear smoke shells.

While as 02 persons were killed in cross firing incidents between forces and militants, 13 persons have been killed by unidentified gunmen. **14** *civilians were killed in firing or shelling between Indian and Pakistani troops. 03 civilians died due to accidents caused allegedly by the roadblocks etc during the protests.*

Among 80 forces and police personnel killed during this year, 02 police personnel lost their lives due to attacks by the mobs during protests.

(During the unrest a couple of death cases were mysterious and regarding a few civilian deaths, authorities claim that they died due to other reasons but the families of victims and other witnesses refute their claims)

Civilians killed in J&K – 2016:

	Civilians Killed
January	1
February	5
March	0
April	6
May	2
June	2
July	62
August	25
September	20
October	8
November	17
December	**3**
Total:	**151**

INJURIES

As per the authorities, the use of force to quell the popular uprising and to contain the protesters was the only option the police and paramilitary forces had. However, this resulted in the highest number of injuries Kashmir has seen in last 26 years. According to medicos, most of the injured persons were hit above the waist line and bullets, pellets and teargas shells were targeted at vital organs to kill or maim permanently and the injuries were beyond the realm of war wounds. Tear gas grenades, pepper gas shells, live ammunition, and Pump Action short guns (Pellet Guns or 12-gauge shotguns loaded with metal pellets) account for the majority of injuries. The havoc created by the Pellet Guns and the magnitude of damage caused by this weapon lead Kashmir to a "war-like situation". Many pellet victims were fired from point blank range and entire pellet cartridges were fired on some victims.

The number of injured during this year is over **16,000**, more than 70 % injured were hit by the deadly pellets. Around **1200** persons have been pelted to blindness in one eye, including toddlers, teenagers and old aged men and women. More than **40** persons suffered pellet injuries in both eyes and lost eye sight. Hundreds received lifelong (crippling) injuries. Hundreds suffered fractures and other injuries due to thrashing and beatings by the forces while as hundreds of persons got injured in stone throwing incidents.

Over **3300** forces personnel were also injured in stone throwing incidents during clashes.

(As the number of persons injured during the turmoil is very high and will take a lot of time and effort for documentation, therefore, a comprehensive report will be compiled and released separately subsequently)

ARRESTS

Nocturnal raids, arrests, illegal confinement and frequent crackdown on voices of dissent continued to be a state tool this year as well. Most of the youth arrested for their alleged involvement in protests & stone pelting were arrested during nocturnal raids and families were pressurized to hand-over boys who were on run to evade their arrest. Taking someone's father or brother into illegal custody to make the son/father, accused of stone pelting, surrender continued unabated. The arrests were carried out in such a manner that denies the people the benefits of the law. Though the people who were arrested should have been afforded full opportunity to pursue the legal remedies, however this was least adhered to. The misuse of the provisions of the Criminal Procedure Code is more rampant and needs to be checked.

The arrest spree started right from the month of January when at least 50 youth were detained by police in downtown Srinagar from January 1 to February 17, on charges of involvement in stone pelting. Similarly, in the month of January, in one more incident, Police rounded up at least 35 youth during night raids in Pulwama, after 11-day-long agitation over the demand for a memorial. Locals alleged that forces raided dozens of houses in Dangerpora, Wahibugh, Chatpora and Prichoo and arrested about 35 youth.

Police resorted to tear smoke shelling and water cannons to disperse the protesting teachers in Srinagar on January 01. The teachers tried to march towards directorate of education's office to press for their demands, and as the teachers started their march, police swung into action, used forces against them and detained several of them.

In the first week of March, nocturnal raids and subsequent detention of four youth sparked spontaneous shutdown in Kunzar, Tangmarg area of North Kashmir's Baramulla district.

Since July 8, Jammu and Kashmir witnessed one of the worst crackdowns in which more than **13,000** people were arrested, detained and jailed. A massive arrest drive across Kashmir started after the uprising which started on July 8, and hunt to arrest more is on. Youth were arrested in large numbers to contain the unrest. The arrested persons include a good number of students as well and even minors were apprehended in disregard to the rules and laws. Most of the arrests were carried out in Anantnag, Pulwama, Awantipora, Kulgam and Shopian of South Kashmir, followed by north Kashmir's Baramulla, Kupwara, Bandipora, Sopore, Handwara and central Kashmir's Budgam, Srinagar and Ganderbal districts. (According to reports 12000 persons were arrested in 4 months and hunt on to arrest 1500 more, Daily Greater Kashmir, Nov 8, 2016).

In modern times when people across the globe enjoy human rights, Kashmir narrates a different story. In this part of the world, apart from arrests, a large number of political activists and others are being kept in police stations unlawfully under the wider umbrella of "Preventive Custody". During this year as well, a large number of persons were kept in police stations under "Preventive Custody".

In Kashmir, democratic values are trampled by unlawful acts, justified under the grab of 'Preventive measures', 'Preventive custody' and other such acts. To suppress the voices of descent and curtail the movement of political leaders, the unlawful practice of detaining political leaders in their residences for several weeks and months together is an unlawful practice being widely practiced by the state. During this year as well the political, religious, civil, democratic and other rights of Chairman Hurriyat Conference Mirwaiz Umar Farooq, Syed Ali Shah Geelani, Mohammad Ashraf Sehrai, Advocate Shahid ul Islam and others were trampled upon by the authorities as they were detained in their houses by deploying police personnel outside their residences. While other Political leaders like Mohammad Yasin Malik, Shabir Ahmad Shah and others were detained in police stations and Jails for weeks and months together.

Preventive detention was also provided for in other forms such as house arrest as well as section 107 read with section 151 of the Jammu and Kashmir Code of Criminal Procedure. As the period of permissible detention is limited in these provisions, due to the furnishing of personal bond/bail, they are mostly used in J&K, only to detain individuals while the paperwork for the PSA detention orders or criminal charges are being prepared.

The nocturnal raids created panic among the youth and they were forced to go in hiding which affected their education, employment and day to day life. The continuous nocturnal raids by joint parties of police and other forces forced hundreds of youth in Kashmir to go into hiding. The residents alleged harassment at the hands of forces who barge into residential areas at night time.

The FIRs registered in 2008 and 2010 uprisings against youth allegedly involved in protests and stone-pelting, that time, also haunted the victims during this year as they were called by the concerned police stations and were detained again. It's

important to mention here that, even youth who were promised amnesty by then Government, were also called to police stations and detained.

Around 18 people were booked and subsequently arrested in Chenab Valley areas for participating in demonstrations, which expressed solidarity with Kashmiris and condemned the killings of Kashmiri youths and use of brute force to crush the uprising.
The booked people include two government teachers and clerics from Kishtwar. Charges of sedition, criminal conspiracy and breach of peace were slapped on Imam Umar of Mollah Masjid, Abdul Qayoom Mattoo, Imam of Bunastan Masjid Qari Manzoor Ahmed Ganaie and Saif-ud-Baghwan, a resident of Baghwan Mohallah, Kishtwar and others.

On August 22, employee's leaders, Abdul Qayoom Wani, Tariq Ahmad Sofi, Manzoor Ahmad Pampori, Fayaz Ahmad Shabnum, Farooq Ahmad Trali, Shabir Ahmad Langoo and Haji Idrees Ahmad were arrested minutes after they tried to stage a peaceful protest in Press Enclave, Srinagar against civilian killings. The leaders were lodged in Sub-Jails of Baramulla and Kupwara.

During this year around 65 rallies of government, semi government employees and unemployed youth protesting for their job regularizations, pending salaries, incentives etc were dispersed forcefully by the police and hundreds of such protesters were taken into custody. Even on World Disability Day, December 3, police foiled the protest march of Jammu and Kashmir Handicapped Welfare Association (JKHWA) and detained scores of physically challenged members of the organization who tried to march towards Divisional Commissioner Kashmir's office for pressing their demands.

It is high time for the government to realize that arm-twisting policies or sending people to jails is no answer to the uncertainty. Subjecting a large number of school-going children and teenagers to torture, putting them in lock-ups and sending them to jails is a dangerous path with serious consequences for the future of the society. The government needs to revisit its policies and allow the political dissent.

Armed Forces, Police personnel and Militants killed in Kashmir during 2016:

	Armed Forces Killed	Militants Killed
January	0	6
February	7	13
March	0	9
April	0	8
May	8	17
June	15	23
July	4	15
August	10	12
September	24	22

October	5	13
November	4	14
December	3	6
Total	**80**	**158**

PUBLIC SAFETY ACT

Armed Forces Special Powers Act (AFSPA) is not the only law that provides for 'lawlessness' in Jammu and Kashmir. People of the state have suffered equally under yet another draconian law known as Public Safety Act (PSA). Five years after the Amnesty International released its historic report on PSA, nothing seems to have changed in Kashmir. Minors continue to be detained under this "lawless law" and the executive continues to use it recklessly to crush dissent. The High Court of Jammu and Kashmir has time and again taken serious note of non application of mind by the authorities while invoking the law.

It has been observed that the police dossier and the order of detention passed by the authorities are identical which reflects that the detaining authority rarely applies its mind. The High Court has ridiculed the authorities for this but nothing seems to have moved. Reports received from various parts of Kashmir suggest that hundreds of persons including minors have been detained under this law during this year as well under the pretext of restoring peace. The PSA has undermined the criminal judicial system. The police use this law to keep political and human rights activists behind bars indefinitely. While a number of laws in J&K allow for so-called "Preventive Detention", the Public Safety Act is most commonly used.

The Jammu and Kashmir government is bypassing the judiciary to keep the youth holed up in prisons by getting the orders issued by the deputy commissioners under the draconian Public Safety Act. The detentions are carried out deliberately under Public Safety Act to make sure that the detainee doesn't get bail and once the Public Safety Act is invoked, the right of liberty gets curtailed.

On October 15, three prominent rights groups-Amnesty International India, Human Rights Watch and the International Commission of Jurists, urged the J&K Government to end the use of PSA to detain people, including children. The state Government also came under sharp criticism from rights bodies for detaining "minors" under the law. The PSA, which Amnesty International called as 'lawless law', was introduced in Jammu and Kashmir during 1978.

The arbitrary use of Public Safety Act (PSA) remained a tool of the present state regime as well. During this year as well the government has been accused by rights activists and the opposition of arbitrarily using the PSA against protesting youth and political activists because a large number of persons were booked under Public Safety Act (PSA). During this year more than **670** persons including minors were detained under this 'Lawless Law'.

More so, Persons arrested under the Public Safety Act in Kashmir were sent to Jammu jails, inaccessible to their families and resulting in double punishment to

the detainees as well as to their families. It is important to mention here that lodgment of all these detained persons was against the Supreme Court direction whereby a detainee has to be lodged in a jail nearby his residence.

In the month of May, a Jammu-based Muslim leader Syed Shabir Ahmad Shah, president Muslim Development Forum, who lives in Mohalla Jeevan Shah was booked under the draconian Public Safety Act and jailed at Kot Bhalwal Jail Jammu.

During the same month, four students identified as Danish Ahmed Gojri of Drangabal Baramulla, Aijaz Ahmed Gojri of Baramulla, Javaid Ahmed of Khansahab Budgam and Sameer Ahmed from Soura Srinagar were detained under Public Safety Act (PSA) for their alleged involvement in stone-pelting incidents and were shifted to Kathua and Udhampur jails.

On May 31, in a written reply to clubbed question of some legislators about the number of persons, including political leaders booked under PSA from 2014 to June 2016—the government said in the past two years (2014, 2015) and the current year (up to June 12), 2016, 240 persons have been detained under the provisions of the Public Safety Act of 1978 and the Jammu and Kashmir Prevention of Illicit Traffic in Narcotic and Drugs Act. The government details reveal that this year the number of PSA detentions (percentage-wise in comparison to previous years) is on the higher side and in six months, 77 persons have been booked under the Act. "Out of 77 booked under PSA during last six months, 20 have been released while 57 are under detention," the reply reveals.

On September 16, noted human rights activist Khurram Parvez was arrested and despite the orders of the Sessions Court, Srinagar, for his release, he was re-arrested on September 21, slapped with infamous Public Safety Act (PSA) for being a threat to "public order" and was lodged in Kot Bhalwal jail Jammu. The grounds of detention shown to justify the PSA, signed by the District Magistrate were least convincing and the charges against him were not different from what are being slapped on all who have been put behind the bars. Khurram is also disabled as he lost his leg in a mine blast in 2004. By International humanitarian law as well, his arrest was also violation of its parameters.

Despite widespread global condemnation of illegal detention of Khurram Parvez, government ignored the demand for his immediate release and after 76 days of unlawful detention, Khurram was released after JK High Court quashed his detention order and held that nothing was brought to the notice of the court either in the grounds of detention or in reply affidavit.

Khurram Parvez's detention which was against the basic tenets of a democratic setup had a chilling effect on all those who speak for the voiceless in Kashmir and denotes a new low in the State's history of denial and disregard for rights.

Similarly social and a human rights activist, Advocate Babar Qadri alias Baber-ul-Islam was arrested on August 27, from his residence at Mohallah-Sah Faridabad in

Doda. Baber is the second person who was booked under Public Safety Act (PSA) in the mountainous district after turmoil started in the Valley. Soon after his arrest, he was shifted to Kotbalwal Central Jail, Jammu, where he was lodged under PSA which was slapped by the district administration after several FIRs were registered against him. Subsequently, on November 16, The Jammu and Kashmir High Court quashed the detention of Advocate Babar.

Tanveer Ahamd Bhat, a Juvenile from Mattan area of Anantnag (Islamabad) district in South Kashmir was also booked under Public Safety Act under the detention order (32/DMA/PSA/DET/ 2016) passed by District Magistrate Anantnag against him on August 24, 2016. Tanveer challenged the detention order and on December 01, The Jammu and Kashmir High Court while quashing his detention order ruled that a minor cannot be booked under Public Safety Act.

Dr. Ghulam Mohammad Hubi, a noted political leader, was arrested and lodged in police station Chrar-e-Sharief on August 24, this year for allegedly "fomenting trouble" in Budgam district and was subsequently booked under Public Safety Act on August 30 and was shifted to Kot Bhalwal jail, Jammu. On November 20, The Jammu and Kashmir the High Court, quashing the detention order issued by District Magistrate Budgam against him, a bench of Justice Muzaffar Hussain Attar directed the government to release him immediately.

On Nov 30, Jammu and Kashmir High Court quashed the PSA detention order of 75-yr old AAC leader, Gulam Nabi Zaki, after Police Station Sopore arrested him in an FIR; District Magistrate Baramulla had issued a detention order against Zaki on September 29 this year.

On September 13, 67-year-old, Abdur Rashid Wani, a chemist from Chogal area of Handwara in north Kashmir's Kupwara district was arrested on September 13 by police and was booked under Public Safety Act and shifted to sub-jail Udhampur. According to his son, Haroon Rashid, Wani has been operated in vertebral column thrice during last five years. With the result, he has been declared 45 per cent disabled by the doctors and is also not able to attend the nature's call without the help of a chair and stick.

Similarly, 80- year- old Muhammad Yousuf Sheikh of Iqbal Nagar Sopore, was booked under Public Safety Act on August 10, after an order of detention was passed by the District Magistrate Baramulla against him. Suffering from multiple ailments Mr. Sheikh was lodged in district Jail Kupwara. On November 23, The Jammu and Kashmir High Court quashed his detention and directed the authorities to release him forthwith. Citing Supreme Court Judgments, The Court observed, "It is stated that the detainee was not provided material in the shape of grounds of detention". "On these counts alone, in view of the above settled position of law, the detention of the detainee is vitiated, the detainee having been prevented from making an effective and purposeful representation against the order of detention," the court said, while quashing detention order passed by District Magistrate Baramulla against Sheikh.

According to a media report 582 persons were booked under Public Safety Act in 116 days in Kashmir. Of them, PSA warrants were executed against 524 persons and they were arrested and lodged in different jails. North Kashmir's district Baramulla leads the PSA tally, with 125 persons arrested under the law against 129 dossiers issued by the district administration while in Pulwama (79-96), Srinagar (56-74), Anantnag (59-59), Bandipora (46-57) and Ganderbal 19 PSA detentions. (Greater Kashmir, November 02)

Regarding the arbitrary use of Public Safety Act, the joint resistance leadership of Kashmir, in a press statement issued to the media also said that "our bureaucratic class, although well read and highly qualified blindly sanction the police dossiers irrespective of the victims' age, physique and gender."

On November 19, even a legislator from a pro Indian political party, while addressing a press conference in south Kashmir's Kulgam district stated that, "The situation in 2016 is quite different from 2010. It is irony that District Magistrates from Kashmir seemed to be in a competition when it comes to booking of youth under Public Safety Act. The way PSA are slapped on people gives an indication that Deputy Commissioners of the districts are competing with one another and it also seems that government has given them a quota in this regard," he said.

Such oppressive methods: arbitrary use of PSA and choking the voices of dissent and suppressive approaches, adopted by the government is a bizarre violation of human rights. It is a harsh reality that the state is adopting a punitive policy towards its citizens, and has been adopting one after another harsher laws to suppress the voices of the dissent. Unless these policies are changed, it will be difficult to pull out the state from these depths of the morass.

CURFEW & RESTRICTIONS

Kashmir has a long history of curfews. In 1984, government imposed curfew for several days together to contain the people's agitation against the government. Governor administration had imposed a 19-day-long curfew in Kashmir in January 1990. Since then it has remained the most important tool of the state for an extreme suppression of civil liberties and collective punishment for the entire population.

The year 2016 started with curfew and restrictions imposed by the authorities. In the first week of January, restrictions were imposed in areas falling under the jurisdiction of Rainawari and Zadibal police stations in Srinagar following plans of protest by Shia community against execution of a Shia cleric in Saudi Arabia. On January 26 and February 09, restrictions were imposed in Srinagar and other major towns of the valley. February 15, curfew-like restrictions were also imposed in parts of Pulwama and areas falling under six police stations in Srinagar, and other parts of the Valley, after two civilians were killed in firing by forces personnel in Kakapora area of Pulwama. Similarly, curfew remained in place in parts of Srinagar city and north and south Kashmir areas as tension gripped the Valley on April 16, over the five civilian killings in police and army action.

However, north Kashmir areas remained under curfew for several days in the wake of civilian killings.

From the beginning of this year up to July, Kashmir witnessed nine (9) days of curfew and restrictions. But after the unrest which started on July 8, Kashmir faced the longest curfew so far in the 26 years of ongoing conflict. This curfew continued for more than seventy (70) days with no breaks and it was extended to the nights as well, in order to break the writ of separatists as they were calling for relaxations in the shutdown during the evening hours. The authorities subjugated the Kashmiris to the worst form of humanitarian crises. Most fundamental rights were curtailed through the imposition of continuous curfews and restrictions. The entire Kashmir valley was caged and turned into a huge prison and was completely barricaded to the longest and hardest ever curfew, even though officially administration claimed that the curfew was lifted across Kashmir on September 19, except from six police station areas of old Srinagar, but the restrictions imposed for several days belied their claims.

In Srinagar, and all other districts including towns, villages and all major roads, police and paramilitary CRPF laid coils of barbed wires and erected barricades to prevent the movement of traffic. Restrictions were harsher in old city of Srinagar and major tows, which means that it was harder to get essential supplies like food, medicines and milk. All public offices, schools, and other institutions remained closed. The only visible signs of a functioning administration were the hospitals but due to strict curfew and restrictions many people were unable to visit medical and other critical facilities.

STRIKES / HARTALS

In Kashmir, the unending era of strikes (Hartals) started right from 1990 when armed insurgency broke in the valley. From an arrest to the killing of civilians, everything was followed by days or at times weeks of strikes. Since then, the unresolved conflict has made Kashmir prone to negative economic shocks at regular intervals shattering each sector of its economy.

As 'democracy' has traditionally been used as a cover for military domination in Kashmir and laws like AFSPA & PSA are making environment quite suffocated and unlikeable, State is grossly violating international norms, and the response to peaceful protests has also been disappointing. The authorities have sweeping powers to prevent protests and arrest or detain any person, not only under the Armed Forces (Special Powers) Act, but also under Jammu and Kashmir's draconian Public Safety Act. In democratic setup it is important that peaceful voices of dissent and criticism receive a fair hearing but in Kashmir, peaceful dissent is met with allegations of sedition or anti-nationalism. In this horrifying scenario, the political leadership of Kashmir argues that at a time when the government has choked and crushed all other peaceful ways of dissent, strikes (Hartals) are the only non-violent option left at the disposal of resistance leadership.

For around five months, Kashmir undoubtedly underwent the toughest period in the history. It remained locked between the government curfew and the continuous shutdown called by the joint resistance leadership as both New Delhi and Srinagar failed to contain the situation. This situation during this year was not ordinary. For most of the fall-out, it is the government which is to be blamed for this seemingly point of no return. It did not wake up for long. Brute force has been the only answer since July 8, when Kashmir broke into an entirely different phase of uprising that puts all such outpouring of past on the backburner. Kashmir witnessed gross violation of human rights in the form of extrajudicial executions, torture, injuries, the killing of human beings, unabated use of Public Safety Act (PSA), illegal detentions, vandalism of properties, ban on congregational religious activities, media gags and a ban on communication and internet services. The Standard Operating Procedures on crowd control drafted in the aftermath of the troubles in 2008 and 2010 were observed only in the breach. Excessive and disproportionate force was used with an apparent intent to kill and maim. An unarmed angry stone throwing youth was taken as a gun wielding militant and his stone was answered by pellets and bullets. To diffuse the pressure of protests, the use of bullets, pallets, teargas shells and live ammunition was used indiscriminately. Apart from death, the injuries inflicted by these weapons were beyond the realm of war wounds.

In this horrifying scenario the joint resistance leadership used the only non-violent option left with them and called for strikes against the human rights violations etc. Protests calendars were issued and Kashmir observed One hundred and fifty three days (153) days of strikes (Hartals). During this year Kashmir witnessed around One hundred and sixty five (165) days of strikes and out of these 165 days, 12 days of strike were observed before the month of July. While as the number of strikes observed in districts, particularly in district Pulwama is higher.

An alternative strategy needs to be evolved to protest and counter the human rights violations. Strikes tantamount to the violation of right to life and can only work as a short-term method of protest. Political leadership must rethink strike strategy and invest in innovative means.

COMMUNICATION BLOCKADE

During 2016, Kashmir was not only blinded by pellets but through siege and communication blockade as well. The digital world was slammed into Stone Age. The unprecedented blanket ban on internet services in Jammu & Kashmir once again brought to fore the absence of substantive democracy for the people who are used to the government imposed draconian curbs from time to time and snapping of phone and internet service has become a routine.

The blanket and indefinite ban on suspension of mobile/cellular phone services affect the ability of phone and internet services users to seek, receive and impart information, which is an integral part of the right to freedom of expression. Restrictions on telephone services in particular affected other rights as well, including the right to life. Right from clamping down all the modes of

communication ranging from mobile networks to ban on press, authorities suspended every single possible way that could enable people and get them to know what is happening.

This blanket ban on internet and telecommunication services in Jammu and Kashmir was totally unconstitutional and violation of basic and constitutional rights of citizens of the state. Imposing any kind of ban on freedom of expression or on freedom of speech is highly objectionable and is unconstitutional and it also infringes the rights of persons. It is also against fundamental rights, legal rights and constitutional rights.

It is worth mentioning here that Internet has become now an important part of life and its deliberate interruption violates all rights of citizens. Such a ban in contemporary times amounts to violation of basic rights of people. By snapping internet services the government violated the right to information, right to knowledge, right to be informed, right to trade, right to education, right to travel, right to accessibility to internet edition of newspapers, right to employment and right to morality and ethics of the citizens of the state.

In Kashmir Valley, the authorities routinely shut mobile phones including internet services during India's Independence and Republic day. But during this year, the area-specific snapping of mobile phone and internet services phenomenon was introduced and government now snaps mobile phone communication and internet in and around the troubled spot to maintain a disconnect between various areas. However, such phenomenon remained more prevalent in south Kashmir as compared to the north where the militancy graph is low.

In the month of April, following clashes in some parts of Kashmir after four persons were killed by forces in Kupwara district, the authorities snapped internet services in North Kashmir while the internet services in other parts were downgraded. The mobile users complained of low connectivity in Srinagar parts, however, after that the services were completely snapped in other parts of the valley also but BSNL and CNS Infotel services were working.

In the month of June, mobile internet services were suspended in Jammu also, following protests in parts of the city after an ancient temple was allegedly desecrated by a "mentally disturbed" person.

During the uprising that started on July 08, the authorities first suspended cellular and internet services in south Kashmir's four districts and later extended the communication gag to all the districts of Kashmir and later on it was extended to other parts of Jammu division as well.

On August 11, again, mobile services were snapped across Kashmir, except BSNL postpaid. On August 13, postpaid services were restored but broadband services were snapped. Completing the internet blockade, Government snapped broadband internet services in Kashmir and local Internet Service Providers were ordered to shut the service. Snapping of broadband services badly affected the working of

media houses and affected work in essential service departments. A day after, all postpaid service except BSNL, were again snapped.

On September 12, during the festival of Eid-al-Azha the government again ordered snapping of broadband internet and mobile phone services across Kashmir. The services were snapped at around 4.30 pm without any prior intimation to the subscribers. While only postpaid mobile phones of state-owned BSNL were working, the outgoing call facility on pre-paid phones continued to remain suspended. Broadband services were snapped for the second time since July 9, earlier this service was snapped on the afternoon of August 13, and were restored six days later. On October 14, prepaid mobile phone services were restored across Kashmir after remaining suspended for 98 days. However, mobile Internet services continued to remain suspended.

The continuous communication blockade enforced by the government in Kashmir created a humanitarian crisis with thousands of people within and outside Valley unable to contact their near and dear ones amid the ongoing unrest. Besides humanitarian crisis, the communication blockade also inflicted financial miseries on traders in Kashmir Valley and even ATM's also remained non-functional due to interruption of internet services. Due to internet blockade, this year PSC received only 43000 forms from KAS 2016 aspirants of which 70 percent forms have been received from Jammu region only. Besides affecting the studies of school children, the decision to snap the internet services also delayed the conduct of KAS exams and other interviews of applicants aspiring for government jobs. It also rendered Kashmir's Information Technology sector 'dysfunctional' while resulting in job-cuts and shifting of operations by several firms to outside J&K. Online businesses and trade affiliated with e-commerce also faced the onslaught, with huge losses being recorded by these entrepreneurs. As per preliminary estimates, online businesses incurred Rs 40 to 50 lakh losses on an average daily basis.

The continuous communication blockade also invited sharp criticism from different quarters with Amnesty International (AI) saying "Blanket and indefinite suspensions of telecommunication services do not meet international human rights standards. These shutdowns affect the ability of phone and internet users in Kashmir to seek, receive, and impart information, which is an integral part of the right to freedom of expression. The restrictions on access to telephones, in particular, jeopardize a range of other human rights as well, including the right to life."

A recent report from the Freedom House, a US-based research and advocacy NGO, said people in Kashmir were denied access to the internet from 18 to 25 days from 2012 to 2015.

The ban on mobile internet and telecommunication services was imposed citing possibility of misuse of the service for spreading rumors in a charged atmosphere. But checking the activity of a handful of rumor mongers cannot warrant severing the communication options of vast majority. Instead of working out long-term measures to check misuse of the service, the blanket ban leaves one wondering

and such a ban in contemporary time's amounts to violation of basic rights of people.

VIOLENCE AND MAYHEM

In Kashmir, it has now been a normal practice of the government forces to go on rampage and barge into the houses and extensively damage the house hold goods, apart from threatening and widely harassing the residents including the women and children. To suppress the people and diffuse the pressure of uprising during this year as well, there have been widespread instances of vandalizing of homes, destruction of household goods, private vehicles from all over the valley. Even in a number of places, electric transformers were damaged by intentional targeting and such behavior by government forces in a conflict zone is totally banned under Geneva Convention., Article 54 of Protocol of 1977, and Geneva Convention.

A number of news reports with pictures of the subsequent damage by the men in uniform widely appeared in local media. From these reports and pictures it is clear that forces seem to have gone berserk during the raids with no clue that can illustrate restraint or the standard operating procedure put in action and resorting to rampant damage, destruction and demolition of the property in various forms by the troops and government forces as retaliation is absolutely barbaric. (Forces damage property worth millions in North & Central Kashmir -CNS, August 27) (Protests in Bandipora's Aloosa village after forces 'damage property, thrash residents-Greater Kashmir, October 12), (FORCES GO 'BERSERK' DURING NOCTURNAL RAIDS AT OLD BARZULLA-Greater Kashmir, October 23), (Sopore Residents Accuse Forces of Destroying Property, Orchards-Kashmir Life, December 12,via KNS)

But as an act of vengeance against people, forces also fired on transformers to plunge areas where protests were taking place, into darkness. According to several media reports dozens of electricity transformers were allegedly damaged by the forces personnel across Kashmir.

There has clearly been excessive and indiscriminate use of force leading to scores of fatalities and hundreds of injuries. There are repeated allegations about abusive and rough treatment by the forces deployed on the streets. Thousands of vehicles were damaged and their windows were broken by the forces while dealing "Law and Order" across the Valley.

Along with the human population, even animals faced the brunt and were ruthlessly trampled. According to reports, at least 13 horses were killed and three others injured after forces' vehicle ran over them in Frisal area of Kulgam district. The nomads (Bakerwals) who were travelling from Pahalgam to Rajouri with sheep and goats along with horses alleged that they were also beaten (Greater Kashmir, September 26). While Indian Express, on September 29, reported that "Reports of eight horses being mowed down in Frisal village of Kulgam district in Kashmir Valley has sparked a row, with the state police registering a case against "unknown security persons", some locals blaming Army personnel for the

animals' death, and the Army strongly refuting the allegations and denying any involvement." The news paper further reports that Animal rights organization People For The Ethical Treatment of Animals (PETA) has, written to Defence Minister, Jammu and Kashmir Chief Minister, and civil and police officials in the state and sought an "inquiry, followed by strict action" against those involved. But Army, in a statement, said the nature of allegations — that Army personnel deliberately "rammed their Casspir repeatedly into the livestock" — is "viciously fabricated and even bizarre". "It is a clear attempt at vilification of the fair image of the Army and evinces a pattern in some sections of the media to malign the security forces, especially in these sensitive times," the Army's Srinagar-based spokesperson said in a statement, as per the news paper.

Although government insisted that it had ordered maximum restraint but the fact of the matter is that the articulation of two phrases-Standard Operating Procedures (SOP) and Maximum Restraint (MR) were completely brushed aside while dealing the situation and in contrary to it Government forces carried out human rights violations of the gravest nature and the jackboot policy of the state only complicated the situation than helping it to resolve crises. Although, since 2008, Kashmir has witnessed four major unrests, including the current uprising, involving mass participation of Kashmiri civilian population in protests, but, 2010 and 2016 protests have some dissimilarity.

The average age group of protestors in 2010 was 18-30 while as average age group of protestors in 2016 was 10-30. Even some of the protestors were younger than 10 and as compared to 2010, and were much more violent because protests are completely banned in Kashmir, no matter how peaceful they may be. Section 144 of the Criminal Procedure Code, prohibiting assemblies of more than four persons, remains in force for most of the times in the Valley. Assemblies, marches, graffiti, pamphlets, even silent vigils—all these are banned in Kashmir Valley and when all forms of dissent are banned; the line between peaceful protest and violent protests becomes blurred. Apart from it, large scale deaths and injuries at the hands of the government forces left a deep hurt feeling in the minds of the youth.

Due to arm twisting policies and handling the situation wrongfully, the youth then vent their ire by wrongfully engaging in violent protests. They were operating independently and bullets and pellets didn't scare them. Living under the shadow of gun and soldiers loaded with lethal weapons and explosives has taken the fear of gun away from their minds.

It is important to mention here that distinction between the "oppressor" and "oppressed" must be clear and visible. While condemning and denouncing lawlessness of the "oppressor", at the same time, we must take note of the wrong doings of the "oppressed" as well. There are numerous instances which are not only highly objectionable but could have led to social disharmony and more violence. For example, on October 27, unidentified persons attacked vendors at Hari Singh High Street, Srinagar; an auto-rickshaw was set on fire at Rainawari by some unknown men while on the same day unidentified persons sprinkled petrol on the main entrance of J&K Bank business unit Namblabal, Pampore. A Scorpio

was set ablaze at Delina Baramulla, on October 20, and truck was torched at Bijbehara on October 23. Unidentified masked persons on October 16, morning set ablaze two passenger vehicles at Parimpora on city outskirts. On October 10, unidentified persons in the evening set on fire two private cars at Goripora crossing. On October 16, the stocks of two street vendors were set ablaze at Dalgate. On October 4, two auto-rickshaws were set ablaze by unidentified persons at Bhagwanpora area of Kralakhud and Tube well Saida Kadal road.

According to a senior police official, 78 buildings were set ablaze and 53 others damaged during the agitation (Rising Kashmir, December 19). Apart from setting ablaze schools, shops, vehicles, and some government offices, thousands of vehicles were also damaged and their windows broken. There were also reports of thrashing of people, while several people were injured in the stone throwing incidents as well. In one such instance a three-year-old girl, Sarika Jan, daughter of Showkat Ahmed of Botingo, was critically injured in a stone pelting incident in Botingoo Bijbehara in South Kashmir's Anantnag district, on November 19. The girl suffered critical head injury and was referred to SKIMS, Soura for further treatment. Similarly, the youngest injured victim of the turmoil, a nine month old toddler was injured in a stone pelting incident in Chanpora, Mochwa area in the month of October, when a stone hit the car they were travelling in and glass pieces of the window hit the toddler's face and head.

Recently a 9-yr-old boy, Mursaleen Azad, was seriously injured after a stone hit him in the head on December 16 this year in Sopore town. He was immediately shifted to sub district hospital Sopore, where from he was referred to SKIMS hospital, Srinagar, for specialized treatment. "Doctors at SKIMS have so far conducted two operations and still the condition of the boy is critical. We want justice and action against those who inflicted injury to our innocent child" said Azad Ahmad, father of the injured youth to the media persons on December 21, when the family members and relatives of Mursaleen Azad, staged a protest outside police station Sopore, demanding immediate arrest of the accused 'involved' in inflicting injury to the victim.

Apart from other government buildings, dozens of schools buildings came under attack and were gutted in mysterious fire incidents or set ablaze by unknown persons during the turmoil. Between allegation and counter allegation education also became the casualty, which is a matter of grave concern. The way these children have become part of the larger political issue is something which needs to be discouraged. There is no denying the fact that children have suffered, but Right to Education must be protected in all means as the education becoming part of the discourse is absolutely unwarranted.

But nobody knows whose purpose is being served by torching vehicles, shops and schools? Such acts have rightly evoked widespread condemnation from all quarters. The government as well as the resistance leadership have disowned and condemned these elements.

At the same time, attacking the houses or families of the local police officials who reside in the community, is a serious matter and such action must be discouraged and strongly condemned. There have been several instances in which residences and families of the police personnel were attacked.

While the state has a responsibility to deal with the situation but the tendency to be heavy handed will only exacerbate a situation where emotions are running high. The jack boot policy of the state and violence on the streets will only make the young protesters more defiant. The younger generation needs cautious handling with due sensitivity, care and compassion. To persuade people to believe in rule of law is for the state to set an example by first and foremost, holding it accountable.

For the political leadership also it is a matter of high-priority to deal with the things with utmost care as anger needs creative channeling because stone pelting is not the proper and final method to show resentment.

We have repeatedly called for an end to human rights abuses and the first and foremost thing is that the government must end its pattern of impunity, hold troops accountable for violations, and repeal the Armed Forces Special Powers Act and other draconian laws. Continued repression is likely to intensify the alienation, and could worsen the situation. It would be much wiser to initiate unconditional talks with all concerned.

VIOLATION OF JUVENILE RIGHTS

The right to life, a basic human right, makes the government responsible for ensuring that all the needs of children are met. The right to fair trial and, more recently, the right to free and compulsory primary education for children below the age of 14 are some of the rights of children violated due to the non-implementation of the JJCPA Act herev because the implementation of the 'Juvenile Justice Care and Protection Act' has remained a half-hearted exercise in the state. The Act (after its amendments in 2007, 2009, 2011, 2013) has provisions for the setting up of juvenile courts, juvenile boards, district level committees, rehabilitation policy, observation homes (each district) et al for juveniles. However, as of now there is only one Juvenile observatory home with a maximum capacity of 50 at Harwan, Srinagar and there is no separate Juvenile Court to hear the cases of the children. Even after decades of propagation, the Act still has not been implemented.

In Kashmir juveniles are treated as adults, in brazen violation of Juvenile Justice Act and UN Convention on the Rights of the Child. During this year as well, it was learnt that minors (allegedly stone pelters) were arrested by the police, and were tried in normal criminal courts.

A 2011 study by the Delhi-based Asian Centre for Human Rights, Juveniles of Jammu and Kashmir: Unequal before the law and denied justice in custody, found that minors in the state are "assumed to be adults and are detained in adult

detention facilities, placing them at very high risk of abuse". It went on to say that "the lack of juvenile facilities, such as juvenile homes, means that detained delinquents are routinely detained in police lock-ups or in prisons with adults".

According to a media report published in a local daily on Oct 10, as many as 85 minors held on charges of stone-pelting and street protests were lodged at the Juvenile Home at Harwan, Srinagar, since the July 8. Of them, 77 were been bailed out while eight juveniles were still lodged there.

During this year too, juveniles were booked under PSA as well and even normal offences were charged under the Ranbir Penal Code; applying the same procedures to children's cases as they apply to adult offenders. The issue of minors' detention under 'Public Safety Act' and then putting them in lock-ups instead of having good number of juvenile homes has evoked sharp criticism.

16 year old Qazi Fayaz Ahmad son of Manzoor Ahmad Dar of Kundlan Shopian, was booked under Public Safety Act on March 23, 2016 and on June 22, The Jammu and Kashmir High court quashed his detention order.

In the first week of August, an 8-year old boy, Basit Manzoor, a 5th class student of Muslim Medium Education Trust (MMET) school Pulwama was among over 80 boys arrested by police in Pulwama, triggering widespread protests. His father, Manzoor Ahmad was so terrified that he couldn't muster the courage for two-days to visit the Pulwama police station to meet his son fearing his arrest. It was Basit's mother who went to the police station and remained inconsolable after seeing her son being "tortured'' and ruthlessly beaten up. Talking to a media reporter, a senior police officer confirmed that they have arrested over 80-youth for their involvement in stone pelting and admitted that some minor boys were also arrested. However, Manzoor Ahmad Bhat, Basit's father and locals refuted police claims and said that Basit was not part of any protests.

While taking cognizance of newspaper reports over the arrest of an eight year old child, Basit Manzoor, the Jammu and Kashmir High Court on August 8, directed Senior Superintendent of Police, Pulwama to hand over custody of the minor to his mother within a day.

"SSP Pulwama is directed to handover the custody of the child, Basit Manzoor, to his mother forthwith and report compliance during the course of the day to the Registrar Judicial of this Court," a bench of Justice Muzaffar Hussain Attar said. Citing the newspaper reports that Basit was allegedly tortured, the court observed, "Section 82 of Ranbir Penal Code provides that nothing is an offence which is done by the child under seven years of age." It added: "Section 83 of Ranbir Penal Code provides that nothing is an offence which is done by the child above seven years of age and under 12, who has not attained the sufficient

maturity of understanding to judge the nature of consequences of his conduct on that occasion".

Underscoring that even in extreme adverse circumstances it is duty bound to enforce law of land, the court said the child was to be dealt with in accordance of Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act of 2013. The Court directed Principal District & Sessions Judge, Pulwama and Chief Judicial Magistrate, Pulwama to get Basit examined by a doctor and send the report through Fax to the Registrar Judicial of High Court within two days time. Underlining that the child of eight years of age in the circumstances given cannot be lodged in the police station, the bench said, "This court in exercise of its Constitutional Powers is accordingly proceeding in the matter".

On September 01, The Jammu and Kashmir High Court directed Director General of police to ensure all children "in conflict with laws" are dealt with in accordance with the Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act. Closing proceedings it had initiated after taking cognizance of media reports about the arrest of an eight-year-old boy Basit Manzoor, in south Kashmir's Pulwama last month, the Court ordered the DGP to deal with these children in keeping with J&K Juvenile Justice (Care and Protection of Children) Act, 2013. The court directed all Chief Judicial Magistrates of J&K to ensure that the cases against children covered under the Act are decided at the earliest and that such children are not kept in Juvenile Homes for any longer period. The court ordered that efforts be made to return the children to their parents at the earliest, saying it should be ensured that they are not lodged in police stations or kept in judicial lock-ups. The court also directed J&K government through its Commissioner of Social Welfare Department to ensure implementation of J&K Juvenile Justice (Care and Protection of Children) Act "without any fail."

Similarly, 13-year-old, Tajamul Rasool of Bunpora Suderkoot, Bandipora was booked under Public Safety Act for allegedly "being threat to the security and sovereignty of the State." Class 7th student Tajamul Rasool Mir son of Ghulam Rasool Mir was arrested on September 11, 2016, in two cases of alleged stone pelting and was subsequently shifted to Central Jail Kot Bhalwal Jammu after District Magistrate Bandipora vide order number 35/DMB/PSA/DET/2016, dated 04-08-2016, booked him under PSA. The detaining authority accused Tajamul of being a big threat to peace and public order saying that the ordinary law would not be sufficient to curb his activities. "In order to curb your activities, your detention under the PSA becomes imperative. It is prudent and legally desirable to detain you under section 8 (3-b) of the Act so that you are restrained from further indulging in anti-social activities." On November 08, The Jammu and Kashmir High court directed the government to lodge Tajamul at Juvenile Home Srinagar. The court ordered the concerned authorities to lodge Tajamul at Juvenile Home Srinagar after perusing date of birth certificate placed by the detenue on record which indicated that he was minor. Subsequently his detention order was quashed by the court in December.

On December 08, The Jammu and Kashmir High Court made it clear that custody of minor is governed by the orders of the competent authority in accordance with J&K Juvenile Justice (Care and Protection of Children) Act, saying a juvenile cannot be booked under Public Safety Act.

Pointing out that District Magistrate (DM) Baramulla has passed the order of detention of a minor in contravention to the provisions of PSA; the court directed that copy of the judgment be circulated among all the DMs for information.

Setting aside the detention of Rayees Ahmad Mir, a resident of Delina Tantraypora, the court said a juvenile cannot be booked under the PSA and the order was illegal. According to Rayees Ahmad's petition filed through his counsel, he was booked on September 18 this year by District Magistrate Baramulla under PSA and was ordered to be detained in exercise of powers conferred on him under clause 1 (a) of section 8 of the J&K Public Safety Act 1978. While hearing the petition, the court on October 7, ordered that the detainee be shifted to the Juvenile Home Srinagar. The court said that Section 8 sub section 3 (f) of J&K Public Safety Act 1978 applies to him," it said and observed that the detainee was a minor as per the certificate recording his date of birth. Citing Clause (f) of the Act, the court said a person to be detained under PSA shall not include a citizen, who has not attained the age of 18 years for being detained under (a) and (a-b) thereof.

"On such ground, detention order being illegal is set aside," the court observed, making it clear that custody of the minor detainee be governed by the orders of the competent authority/ magistrate in accordance with J&K Juvenile Justice (Care and Protection of children) 2013 in connection with the cases registered as FIRs 229/2016 265/2016, 286/ 2016 and 138/2016 at Police station Baramulla. As he was arrested on an FIR registered at Police Station Baramulla.

Similarly, Tanveer Ahamd Bhat, a Juvenile from Mattan area of Anantnag (Islamabad) district in South Kashmir was also booked under Public Safety Act under the detention order (32/DMA/PSA/DET/ 2016) passed by District Magistrate Anantnag against him on August 24, 2016. Tanveer challenged the detention order and on December 01, The Jammu and Kashmir High Court while quashing his detention order ruled that a minor cannot be booked under Public Safety Act.

ENFORCED DISAPPERANCES, EXTRA JUDICIAL KILLINGS & FAKE ENCOUNTERS

Although the numbers of enforced disappearances, Extra Judicial Killings and Fake Encounters taking place have come down but Extra Judicial Killing of Shabir Ahmad Mangoo, alleged disappearance of Abdul Wahid Gujjar of Kishtwar and other such incidents clearly serves as pointer that such phenomenon are still continuing.

According to media reports, a youth Shabar Hussain (38), son of Shah Wali of Gurian Bilal Abab of Kishtwar was involved in some case and there was an FIR lodged against him. Reports added that he had surrendered before the court a few

days ago and court authorities had sent the youth to the police station concerned. Locals alleged that Hussain was ruthlessly beaten by the police and his vital organ was damaged during the torture and was sent to hospital but due to his deteriorating condition he was referred to GMC Jammu for advance treatment but he breathed his last in the hospital. Relatives of the deceased alleged that his death occurred due to heavy torture by the police. Post mortem was conducted, and report was awaited. On February 08, his dead body was brought to his native place and villagers and relatives held a protest in front of Kishtwar Deputy Commissioner's office. The Kishtwar town observed a strike. An inquiry was ordered in to the matter by the Deputy Commissioner of Kishtwar.

Similarly in one more case, on 21 May 2016, the Indian army "disappeared" 27-year-old, Abdul Wahid. The locals of the area stated that they heard gunshots and feared that army may have killed Wahid and then disposed of his body in a rivulet. Son of Gafoor Gujjar, resident of Hungana Mulchatar in Tehsil Mughalmaidan, Abdul Wahid had left his home to invite relatives for the marriage ceremony of his paternal cousin and did not return back home since then. As per details, large number of people assembled at Sangambati Bridge at Mughal Maidan and held a strong protest over the failure of district administration and police in tracing out the missing person. Later on the basis of the complaint filed by the brother of the missing person, Kishtwar police registered FIR No 18/2016 u/s 302 RPC at Police Station Chatroo against unknown army personnel. The FIR was registered on the basis of "circumstantial evidences" as well as after recording the statements of eyewitnesses who confirmed firing and presence of army in the area when 27-year-old Abdul Wahid disappeared. The relatives and local villagers alleged that Abdul Wahid was killed by army who opened fire in the area before he (Abdul Wahid) disappeared and added that they have independent witnesses who authenticated that army opened fire in the area and later threw the dead body into over flowing rivulet. The issue was also raised in the Jammu and Kashmir Assembly.

Serious allegations of fake encounter came to fore from the family of Tanveer Sultan Sheikh of Bemina, Srinagar. The family of Tanveer Sultan, who was killed in Udhampur shootout, contested the government and police claims about the gunfight, stating their son was a psychiatric patient since 1997 and had left home in the morning for Amritsar to get his shoulder injury treated. According to reports, since 2005, Tanvir was being treated for "his mental disease called Bipolar disorder" also known as manic-depressive illness. And From 15 drugs a day, he was at present taking one particular drug for his ailment. Recently Tanvir had developed a fracture in his shoulder at Harwan where he had gone with his friends. Contesting government and police claims, his brother Arshid said " yesterday (June 13), he left along with a small bag containing his medical details and other test records for Amritsar to ensure quality treatment to his shoulder fracture. I wonder how he could carry an AK-47, a pistol and other ammunition in his small bag and attack a CRPF camp at Kud on Srinagar-Jammu highway,". He said the government and police have been issuing contradictory statements on Tanvir's killing. "First police said he attacked the CRPF camp near Kud and today some ministers in the Assembly said the vehicle was frisked and then he opened

the fire. This is complete contradiction," he said while refuting the government version.

A 30-year-old lecturer Shabir Ahmad Mangoo from Shaar-Shali locality in Khrew area of South Kashmir's Pulwama district was beaten to death by Army in a nocturnal raid during the intervening night of August 17-18. According to Wali Muhammad Mungoo, the father of Shabir, a team of Army men carrying knives, iron rods and axes reached their Shaar village and "unleashed a reign of terror." "My son had finished his dinner and was sitting in his room. All of a sudden, Army men barged into our house and dragged out my son," said Mungoo. "We tried to stop the soldiers, but they kicked us and whisked away Shabir. I could see they were beating him ruthlessly." The Army men took four people, including Sarpanch Abdul Ahad and Shabir, along. "Today morning (at 6), my son returned home dead. An ambulance dropped his body here," Mangoo told media reporters. According to the residents of Shaar-Shaali, soldiers of Army's 50 Rashtriya were involved in the act. Police registered a case under sections 307 (attempt to Murder), 302 (murder), 427 (mischief causing damage to property) and 120-B (Criminal Conspiracy) of the Ranbir Penal Code (RPC) against unknown security personnel in connection with the killing of Shabir Ahmed at Khrew.

Serious allegations of fake encounter came to fore in the month of December regarding killing of a former Sarpanch (village head) killed by army in an allegedly fake encounter in Dooru area of Anantnag district. Army had claimed that they killed a 'militant' in an operation without divulging into further details. Police claimed that Sajad Malik alias Bita of Batagund village in Dooru was killed in an exchange of fire with army after he decamped with an AK 47 rifle from a police station. However, it remained tight lipped about how he managed to escape from police station and was later killed about 2 kilometers away, near Aagnoo village. While his killing sparked off protests in the area with people alleging that he was killed in 'cold blood' in a staged-encounter. His family claimed that Sajad was under police custody since one and half months under charges of participating in protests during the ongoing uprising and how would he have decamped with a rifle. Apart from family and locals, some pro Indian parties, leaders and legislators also termed his killing as "politically motivated" and demanded judicial inquiry into the incident. Terming his killing as custodial killing and fake encounter they claimed that People have seen him riding on a motor bike driven by an SPO who dropped him near Aangnoo village where he was later killed by army.

A probe was ordered into one more killing on December 02, by Deputy Commissioner (DC) Kulgam, Showkat Ajaz along with a team of civil and police officials when they reached the Vesu Qazigund, where people had blocked the Srinagar-Jammu Highway along with the dead body of Asadullah Kumar, 39, a fisheries department employee and a native of Mundhar village of Devsar. Police, Army claimed that he was killed in exchange of fire between militants and forces while locals refuted their claims and alleged that there was no encounter. The Deputy Commissioner pacified the people by assuring magisterial probe. The magisterial inquiry will be conducted by Assistant Commissioner Revenue (ACR)

Shahnawaz Ahmed. Deputy Commissioner also assured the protesters that victim's family will also get the ex-gratia and a job under SRO 43.

During these allegations, apprehensions, claims and counter claims, there is no deterrent in place to check fake encounters, extra judicial killing and disappearances which have been used as short-cut method to earn promotions and medals. Although investigations have been ordered from time to time to look into the role of armed forces in the various fake encounters, extra judicial killing and disappearances but such probes do not infuse much optimism among people now. Even when the probes are ordered, the agencies are not able to ensure that the investigations are impartial and exemplary punishment is given to the culprits. Therefore, an impartial probe by some international body in all such cases in the valley in which there are strong allegations against the government forces of killing of innocent persons to earn promotions and gallantry awards.

MEDIA GAG

Freedom of press is a fundamental right. The freedom of press is so important to survival of democracy that Article 19, Universal Declaration of Human Rights proclaimed by UNGA on December 10th 1949, as a common standard of achievements for all peoples and all nations, provides that "everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

India's rank in Press Freedom Index prepared by Reporters without Borders for 2016 is abysmally low at 133 amongst 180 countries. And according to International Federation of Journalists (IFJ) reports, India, along with three neighboring countries is among worst offenders in protecting journalists. In its sections dealing with India, the report has divided the country in two categories- overall country summary and Jammu and Kashmir (conflict zone). While the report mentions the challenges faced by journalists in Jammu and Kashmir, it also asserted "Nevertheless the media has emerged as a vibrant sector in Kashmir giving voice to the people". The storey in Jammu and Kashmir is no different; Journalists have been detained, attacked and even killed. There are numerous instances when newspaper publications were suspended on flimsy grounds. Successive governments have been punishing local media outlets for raising voice against human rights violations. Ruling parties pledge to uphold democratic values but leave no stone unturned to muzzle the voices of criticism.

During this year the worst infringement of press freedom came in shape of the Government Order dated October 01, whereby District Magistrate Srinagar, in exercise of powers under Section 144 CrPC read with Section 3 of The Jammu and Kashmir State Newspapers (Incitement of Offences) Act, 1971 Svt (1914 AD) and Section 10 of The Jammu and Kashmir State Press and Publication Act, 1989 Svt (1932 AD) banned printing and publication of daily newspaper "Kashmir Reader". The printer and publisher of the Daily had been directed to abstain from printing and publishing the newspaper till further orders so that "disturbance of public

tranquility is prevented". The ban on 'Kashmir Reader', which because of its fearless reporting has acquired place of prominence amongst the newspapers published from Srinagar, is discriminatory in character, violates Rule of Law, amounts to arbitrary exercise of power and violates the freedom of press guaranteed under Constitution and International Covenants. Although the ban was revoked in the last month of December but banning Kashmir Reader for months together is the darkest chapter in Kashmir history of the press in Jammu & Kashmir and such undemocratic moves have once again raised question mark on the degree of freedom enjoyed by press in the valley.

On March 09, a top police officer facilitated the release of few scribes who had been stopped and forced by CRPF who reportedly attempted to use them as human shield against the stone onslaught from the protesters in Goripora hamlet in South Kashmir's Pulwama district. Shortly after the exchange of fire at Wandakhpora area, few journalists had gone to cover the event, however, due to massive stone-pelting and firing they got trapped in a house. After a brief lull, journalists tried to escape from the scene but were stopped by paramilitary CRPF at Goripora where heavy stone-pelting was going on. The paramilitary personnel forced them to act as shield. Sensing trouble, the journalists called a police of that area, who facilitated their release. (Daily Kashmir Observer, March 10)

April 01, scores of newspaper owners, editors and employees of various newspapers were detained by police when they were holding a protest demonstration against the "non-empanelment of new newspapers" and against new advertisement policy of information department. The representatives of the dozens of newspaper owners, editors and employees of various newspapers tried to march towards the Raj Bhawan, to hand over a memorandum to Governor, but a large contingent of police stopped them and arrested many of them.

April 15, police barred media persons including photojournalists from performing their professional duties in Habba Kadal area of old Srinagar, on the pretext that presence of media persons instigates protests. (Daily Kashmir Reader, April 16)

Since July 8, there was tremendous pressure on journalists and scribes who have been discharging their duties amid a violent phase marked by killings, protests, clashes, curfews and lockdowns. Media fraternity in Kashmir has been finding it hard to function properly due to clampdowns enforced by police and paramilitary forces. Journalists and photojournalists were being subjected to attacks and harassment on daily basis. There have been reports of harassment, manhandling and abuse of journalists by the government forces.

During the night intervening, 16th and 17th July, authorities raided media houses in Srinagar, seized thousands of newspapers ready for distribution and banned newspapers for three days. To escape the blame for the undemocratic clampdown no written order was issued but publishers were simply asked not to publish the newspapers. The Government on its part disowned the decision and denied to have ordered raids on the press and ban on the newspapers. The media community joined hands and responded courageously to the situation. The ban

evoked widespread ridicule from across the globe and the government was forced to allow publication of the newspapers.

On September 01, Cable TV operators in Kashmir were directed by the authorities to stop airing five news channels KBC, Gulistan TV, Munsiff TV, JK Channel and Insaaf TV, as their programs had allegedly caused law and order problems in the unrest-hit Valley and were promoting "enmity against the sovereignty of the state.

During the ongoing unrest in Kashmir, media persons were at the receiving end of unknown groups and forces who didn't allow them to discharge their professional duties. Several media persons were beaten, thrashed and humiliated by forces and unidentified persons.

Media persons faced a tough time at SMHS Hospital as well, where most of the people injured in forces action across the Valley were undergoing treatment. On several occasions, when media persons were performing their professional duties, they were attacked by some unidentified persons. Cameras of few photojournalists were damaged while some of them were thrashed. In many areas protestors refused to allow media persons to proceed despite proving their identity.

On August 04, senior editor of Rising Kashmir, Ishfaq Naseem was injured after some protestor hurled a stone at his car while he was on his way back home after discharging professional duties. Ishfaq was heading towards Chrar-e-Sharief when a stone smashed the front windshield of his car at Kakawring at around 9:30 pm. He suffered minor injuries in face and hands and was discharged from the nearby hospital after being administered first aid.

On August 05, a scribe Mir Javid, working for a local news agency in north Kashmir's district of Kupwara suffered eye damage due to pellets shot by forces outside his residence at Kralgund Qaziabad near Langate. Javid was hit by around 100 pellets on several body parts including the left eye.

August 08, photo journalist associated with daily 'Kashmir Reader' was beaten up by paramilitary CRPF personnel at Senthan, Bijbehara, while covering a protest.

On Aug 17, Sumaiya Yousuf a prominent journalist, Security and Defense Reporter of Rising Kashmir, was beaten up, abused and harassed by the men in uniform at Jawahar Nagar. A party of Police and paramilitary CRPF personnel led by an Official used abusive language and harassed Sumaiya Yousuf, who was on way back home after performing her professional duties.

Similarly on September 01, Ishfaq Gowhar, a TV journalist, faced wrath of government forces at Naz Crossing Srinagar.

September 03, a group of photojournalists affiliated with different media houses were first stopped at Batamaloo Chowk and asked to not cover the situation and then beaten by forces at Batamaloo, injuring six of them. All the injured journalists were rushed to nearest hospitals by their colleagues where they were

provided necessary medical treatment. Mubashir Khan (Greater Kashmir) faced the maximum burnt while other photojournalists who were prey to the forces brutality include Aman Farooq (Greater Kashmir), Faisal Khan (Kashmir Reader), Shah Jahangir (CNS) Omar Asif (KNS), Bilal Bahadur (Kashmir Life). As the news of their beating reached Press Enclave, Srinagar, media persons held sit-in there and condemned the police action.

September 4, while discharging their professional duties in Rainawari area, photojournalists Zuhaib Maqbool and Muzamil Matoo were hit by pellets fired by the forces. Pellets hit Zuhaib's left eye, nose, stomach and thighs and Muzamil was hit by pellets on his head.

On September 18, Anees Zargar, who works with a New Delhi based media organizations, was returning home from Uri after performing his professional duties and when the vehicle he along with other media persons were boarded reached Chek-i-Hokersar at Lawaypora, near Noor Hospital on Srinagar-Muzaffarabad highway, some protestors attacked the vehicle at around 8.30 PM and Anees was hit by a stone in his left arm. In the stone pelting incident, some stones even hit the OB Van which was following the vehicle Anees was travelling in. Anees was rushed to Bone and Joints Hospital Barzulla where doctors treated his fractured arm.

On Nov 17, veteran journalist Mr. Riyaz Masroor, while covering the Jamia Masjid siege survived a fierce stone pelting attack near Jamia Masjid in Nowhatta, Srinagar, when protestors attacked his car and smashed its window.

Recently, a journalist working with GK Web TV was assaulted by CRPF personnel near GMC Srinagar on December 21. According to Shafat Farooq, who works with GK Web TV, he was thrashed by the CRPF personnel near Government Medical College in Karan Nagar area of Srinagar.

Besides beating scribes and banning publication of newspapers the ban imposed on the mobile internet also directly affected the scribes. The ban on the broadband internet which the scribes believe was an indirect attack on the fourth estate.

The government's decision to ban daily Kashmir Reader and other such moves has drawn strong and widespread condemnation at local and international level. The International Federation of Journalists (IFJ) and the South Asia Media Solidarity Network (SAMSN) also called upon the authorities in the state of Jammu and Kashmir to lift the ban on the Kashmir Reader. Gravely concerned over the infringement of press freedom, SAMSN said, "The ban on publication without proven evidence of incitement to violence, as the Kashmir Reader has been accused of, is censorship and against the principles of democracy and press freedom. We urge the authorities to take urgent action to ensure resumption of the publication of Kashmir Reader." SAMSN, representing the collective voice of journalists across the region, said that in an already polarised situation the ban on

the Reader is arbitrary and goes against the democratic spirit of allowing a diversity of voices to flourish in the public domain.

Steven Butler, CPJ Asia program coordinator has rightly remarked that "censoring the press will not put an end to the unrest in Jammu and Kashmir". Repression is not an answer to the uprising. Only a meaningful dialogue with all the stakeholders, for a lasting solution of Kashmir dispute, will usher peace in the region.

VIOLATION OF RELIGIOUS RIGHTS

Freedom of religion which is guaranteed by the international law and declaration on elimination of all forms of intolerance and discrimination based on religion or beliefs are being violated in Kashmir by the state. This year too, the government imposed ban on carrying Muharram procession on 8th and 10th Muharram around Lalchowk area in flagrant violation of the international and domestic law which amounts to denial of religious freedom. Although the state is bound to facilitate the religious practices of its citizens but the state used brute force to disperse the Muharram processions taken out around Lalchowk area on 8th and 10th Muharram.

On April 27, authorities imposed restrictions in and around Lal Chowk to prevent funeral prayers in absentia for the Amanullah Khan who had passed away in Rawalpindi.

Due to imposition of repeated curfews and restrictions, the congressional Friday prayers at Kashmir's Historic Grand Mosque (Jamia Masjid) Srinagar, could not be offered for 20 times during this year. In longest siege since 1819, authorities continued to disallow congregational Friday prayers at the historic Grand Mosque (Jamia Masjid) Srinagar, for 19 consecutive weeks by imposing strict curbs around the Grand Mosque. Since July 8, all the entrance gates of the Grand Mosque were locked and nobody was allowed to offer congressional Friday prayers in the Grand Mosque. Even the Chief Cleric of Kashmir Mirwaiz Dr. Molvi Mohammad Umar Farooq was barred from performing his religious obligations by arresting him and imposing curbs on his movements.

Congressional Friday prayers were also not allowed in the historic Jamia Masjid of Shopian, since 8 July for nearly 18 weeks and the Mosque also became the 'symbol of siege'.

Although as per the international and constitutional guarantees the religious sensitivities should have been seriously considered by the state but in contrary to this, on April 29, the state forces while dispersing the street protests fired tear smoke shells directly into the premises of Historic Jamia Masjid (Grand Mosque), Srinagar, resulting in suffocation and injuries to several devotees inside the mosque. Even using brute force on mourners and funeral processions was made commonplace by the authorities.

Contrary to this, during this year as well state authorities allowed and facilitated several rallies carried out by right-wing Hindu groups like Rashtriya Swayamsevak Sang (RSS). Ignoring all the sensitivities involved, RSS has been taking out armed rallies across Jammu and recently, women with daggers being given arms training in an RSS associated camp in Jammu triggered widespread political reaction across the state. The 15-day long training program of women wing of *Rashtra Sevika Samiti's (RSS)* was conducted at the Mubarak Mandi complex in Jammu. A rally was taken out across Jammu city on July 04 (Monday) after the training camp concluded. In another such incident, RSS workers escorted by the local police took out a rally in Kishtwar town on October 11, which spread panic among the members of Muslim community.

PRISONERS

The government is under a legal and constitutional obligation to protect the rights of the detainees. Besides treating a detainee like a human being, his right to honor and dignity has to be upheld and enforced. Apart from proper food, the prisoner has a right to adequate Medicare. A decade after the new jail manual came into force; the prisoners continue to suffer in one way or the other. Despite repeated directions from the High Court seeking total implementation of the Jail manual, the authorities observe it in breach.

Systematic prisoner abuse and ill-treatment continued to be widely practiced with the retinues and under trial Kashmiri prisoners in different jails of India during this year as well. Kashmiri prisoners lodged in these jails continue to suffer from feeling of deprivation and helplessness. Their condition is deplorable and they suffer extraordinary ordeals. They aren't able to meet their lawyers and receive proper medical care. The lives of these prisoners lodged in different states of India have been made hell by the ill and sick minded jail authorities. They are being served sub-standard and unhygienic food.

In fact, most of the Kashmiri inmates lodged in different jails of the sate and outside are under trials and they are facing the tyranny of legal system. They have complaints that they are being subjected to the tyranny of the legal process which is going on endlessly without any fault of theirs. The jail authorities are also not producing them regularly before the courts on the dates of hearing for one reason or the other, most of the inmates due to lack of escort miss their date of hearing in the courts as a result of which their cases get protracted.

During this year, it has been learnt that the detainees are stripped the moment they land in the jails especially in Jammu Central jail Kotbalwal. They are dumped in dozens in small rooms making them uncomfortable. Most of the detainees are in a bad physical state, and deplorable condition. The relatives of the detainees who go to Jammu jails to enquire about their welfare have come up with horrifying tales and these reports stand corroborated by the recent reports of the Jammu and Kashmir High Court Bar Association.

A team of lawyers from J&K High Court Bar Association visited various jails in Jammu region on the 25th and 26th of November and found the conditions of the inmates pathetic. The team visited district Jail Kathua, Sub Jail Hira Nagar, District Jail Amphalla Jammu, Central Jail Kotebalwal Jammu and District Jail Udhampur. A statement issued to media from the Bar read, "The team members after interacting with the jail inmates found that the conditions of the inmates lodged in these jails is terribly pathetic right from the first day of their entry into the jail. These inmates have been teased, beaten and tortured by the jail authorities. During the first 15 days of their lodging in the jail, they have been confined in solitary cells. Their clothes have been taken off and they have been subjected to ill-treatment."

The Bar said that all the Jammu Jails are full and overcrowded which has caused tremendous hardship to all the inmates. "The inmates because of paucity of space are hurdled like cattle in overcrowded barracks. There are several jails in Kashmir province where they inmates could have been very easily accommodated, but they have been purposely sent out so that they are unable to meet their friends, relatives and family members, "Bar stated.

The Bar also said that the inmates have been kept separate, irrespective of their age.
"In all the jails of Jammu province, those who have been detained on the ground of stone pelting are kept separate, irrespective of their age and status. Likewise militants and other under trials prisoners are also kept separate. They are not allowed to interact with each other or avail any amenity in the jail together. The young boys allegedly involved in stone pelting incidents are humiliated and tortured inside the jails, "Bar said. "In Kot Bhalwal Jail it was reported that on the very first day of lodgment, the alleged stone pelters were asked to remove their trousers and parade naked. It was after protest by the senior inmates that such practice was stopped, "the Bar said.

Not to speak of the detainees, the jail authorities derive vicarious pleasure in harassing their relatives who come from far off places to meet them. They are made to wait for hours and humiliated in the name of frisking and are also subjected to humiliation and harassment in a blatant violation of the jail manual.

Many detainees shifted from police stations to different jails of the valley during this year as well were never produced before any Executive Magistrate after their arrest and shifting to Jail.

The jail inmates in Baramulla district jail went on a hunger strike on November 01, evening, after several prisoners including some police personnel were injured during clashes between police and jail inmates inside jail. They were demanding impartial probe in the matter, alleging highhandedness by the officials. The hunger strike which continued for many days adversely affected the health of inmates. On November 01, this year, clashes had broken out after one of the prisoners complained that he was not offered proper healthcare despite repeatedly complaining pain during urination.

It is worth mentioning here that the U.S. State Department in its 'Executive Summary' of 'India 2014 Human Rights Report, released in the last week of June 2015, said that the detainees under Public Safety Act (PSA) in Jammu and Kashmir were denied medical attention and access to lawyers by law enforcing agencies and that the police routinely used the arbitrary detention."Detainees are allowed access to a lawyer during interrogation, but police in Jammu and Kashmir routinely employed arbitrary detention and denied detainees, particularly the destitute, access to lawyers and medical attention," the State department said in its report.

Therefore, human rights groups and other organizations must take strong note of the happenings and come to the rescue of prisoners. The role of the International Committee of the Red Cross, Amnesty International, Asia Watch and other organizations vis-à-vis the Kashmiri prisoners has not been up to the mark. The ICRC has been operating here for so many years but its intervention, if any, has not changed anything on the ground. Apart from taking letters from detainees, the ICRC better justify its presence in Kashmir by taking measures for the welfare of the detainees. Amnesty International, which owes its birth to an article by Peter Benenson in 1961 to defend prisoners, has also remained tight lipped in this regard. But time has come when such organizations need to take tangible measures in this regard.

HARASSMENT OF KASHMIRIS OUTSIDE KASHMIR

Over the past few years, incidents of maltreatment and harassment meted out to Kashmiri students and traders in different states of India have shown signs of rapid increase. As per the data available, during 2016, there have been at least 40 incidents of attacks, harassments and maltreatment to Kashmiri students, businessmen and others outside Jammu Kashmir.

To substantiate this stand, there are several instances of such incidents. In the month of January, 8 Kashmiris were detained in Bikaner on the basis of suspicion, when they were travelling to Bajju area in a bus. During the same month, as many as 50 job aspirants from Kashmir were asked to leave New Delhi, halfway into training under much-hyped UDAAN program. According to the students they were asked to immediately vacate Aryan Residency Hostel, where they were staying in Greater Noida since their admission to the training programme. Three hotels in Paharganj area of Delhi, denied accommodation to a Kashmiri family around 1 am in January, claiming that Delhi Police has asked them to be vigilant about the tourists from Kashmir after the Pathankot attacks. In yet another incident of violence, in January, at least seven Kashmiri students sustained injuries after a group of young boys allegedly thrashed them outside Swami Devi Dayal College of Engineering and Technology Golpore Barwal in Chandgarh, forcing them to flee. The Kashmiri students were on way to their rented accommodation in Shahzadpore when the goons thrashed them.

However, after JNU and Jadavpur University protests, in the month of February, incidents of harassment and surveillance on Kashmiris intensified across India.

Residences of scores of Kashmiri students studying in New Delhi were raided by Delhi Police during night and they were harassed. The raids were carried out in Malviya Nagar in South Delhi, Lajpat Nagar, Fareed Abad and other localities. Their apartments were searched and they were questioned about the JNU protests. The students also alleged that they were harassed by Delhi Police and their identity cards were being checked at bus stops, Metro terminals and other places. Fearing a witch-hunt, harassment in the aftermath of the JNU event, many students who felt insecure and threatened came back to their homes in Kashmir.

March, three Jammu and Kashmir students were abused and beaten up in Mohali district of Punjab. The Anti-Terrorist Squad (ATS) of Goa Police was instructed by the Chief Minister of Goa, to conduct door-to-door checks of tenements inhabited by people from Jammu and Kashmir.

April, Mewar University suspended the Kashmiri students, who were released on bail, along with seven others for allegedly creating nuisance on the varsity premises on March 31. Earlier nine students and a hostel warden from Kashmir were arrested following a clash in the hostel mess of a private university in Rajasthan's Chittorgarh district over Indian cricket team's loss against West Indies in the T20 World Cup last week.

Since the onset of the uprising, which started in the month of July in Kashmir, Kashmiris particularly students have been attacked in several states of India such as Punjab, Haryana, Delhi, Rajasthan, Madhya Pradesh and Utter Pradesh etc. Kashmiri students and traders in other states suffered due to the unrest in Kashmir as they became the soft targets for the extremists and hardliners. Media reports suggest that Kashmiris are being targeted on one or other pretext. Many students were expelled by their respective colleges, and there have been instances of Kashmiris being booked for sedition merely on the basis of their posts and comments on Facebook. In one such incident a student from Srinagar, Mudasir Yousuf, was expelled from Aligarh Muslim University for posting an objectionable comment on Facebook over the Uri attack. Finally the student had offered his apology to the Vice Chancellor. In Udaipur, one more Kashmiri student was booked, on September 29, for sedition based on his comment on Facebook related to Uri attack. In a similar incident, Chattisgarh Police arrested a Kashmiri man, Taufiq Ahmad, who worked in Bhilai with Vivo Mobiles, for liking a Facebook post.

In September, Kashmiri students studying in Desh Bhagat University (DBU) at Amloh, Punjab Monday held protest demonstrations alleging that the locals were manhandling and harassing them, even as the police there said that they were investigating the case. In another incident on 27 September, six Kashmiri students were beaten up inside the campus of Ganga Institute of Technology and Management, Jhajjar, by their counterparts and security guards.

Media reports also suggested that even the pellet victims who visit Amritsar in Punjab for treatment were harassed by the Punjab Police.

Although State and Union Government claimed that the special officers have been appointed to address such cases and even provided round the clock grievance cells and provided phone numbers and email id's to redress the problems but nothing happened and the situation continued to remain same. The assurances of the state and central government about no Kashmiri being touched or harassed in any other states have remained confined to papers and Kashmiris have been facing the brunt and this has created a sense of insecurity among the Kashmiri students, traders and others outside Kashmir.

INDUCTION OF MORE TROOPS

Kashmiri people have been living with the presence of an estimated half a million soldiers, who are protected by laws that give them impunity and constantly emboldened by the rhetoric of militarization, surveillance, black laws and impunity. And during this year, eight hundred additional central paramilitary forces were rushed to Jammu and Kashmir in the wake of continued protests across the Valley. The reinforcements were sent in addition to 1,200 personnel who were sent to aid the state police few days before. Eight companies (with 100 personnel each) of CRPF were sent in the wake of protests. About 60 battalions (about 1000 personnel each) were already stationed in the state as part of counter insurgency grid. (PTI)

The Border Security Force (BSF), which was taken off counter-insurgency operations in Jammu and Kashmir in 2004, was again deployed in the Kashmir after a gap of 12 years. In August this year, the BSF personnel were deployed in the commercial hub of Lal Chowk and adjoining areas of the city. In 2005, the BSF was replaced by troops of CRPF in Srinagar and other towns of Kashmir.

As per the media reports, as many as 102 additional companies of the paramilitary CRPF arrived in Kashmir during two-and-a-half months of July, August and September, to quell the pro-freedom uprising triggered on July 8. More than 8000 personnel of CRPF were sent to Kashmir during this period, to contain the pro-freedom protests taking place across the nook and corner of the region. The additional paramilitary men were deployed in Srinagar and other districts. The presence of CRPF in Kashmir dates back to 1950 when a detachment of three companies of 1st Battalion was deployed to deal with the deteriorating law and order situation in Srinagar. When the armed militancy broke out in Kashmir in 1989, the force's strength went up to 129 companies in 1992.

Apart from it, the Army moved in an additional brigade (about 4000-5000 soldiers) into South Kashmir on the eve of Eid-ul-Azha, this year, after reports suggesting possibility of large scale protests. In a bid to curb pro-freedom rallies in South Kashmir two more units of Army (about 2000 soldiers) were deployed in September this year, in Southern districts of Kashmir as part of 'Operation Calm Down. According to media reports, Army also deployed Panthera-T6 armored vehicles in South Kashmir to deal with protests.

To increase the presence of Army in Kashmir Valley, The Unified Command gave nod to 1 more army Infantry division for Kashmir, with approximately 15,000 soldiers—for "maintaining law and order" and "keep a check on internal security" in the state. (G.K, Sep.16)

There are authentic reports that additional troops brought to the valley were deployed in schools and other educational institutes. In Srinagar alone, forces including BSF, CRPF and SSB were stationed in Government Girls Model Higher Secondary School (HSS) Kothi Bagh, Government HSS Shalimar, Government Middle School Gupt Ganga Nishat, MP Model HSS Bagh-e-Dilawar Khan, Government Higher Secondary School Rajbagh, Government Higher Secondary School Sonwar and DAV School at Jawahar Nagar The forces were also stationed at District Institute of Education and Training (DIET) in Ganderbal and other such places. Education which has been one of the worst hit sectors in Kashmir in the last two decades of conflict has witnessed many such instances wherein troops were stationed in schools. Human Rights Watch has documented around the world that turning classrooms into barracks leads to disruptions to studies, lower school enrollment, decreased school attendance, and damage to school infrastructure.

PROBES AND INQUIRIES

The process of probes and inquiries is nothing new to Kashmir. Probe orders after the killings of innocent people by government forces are issued to divert the public anger and to mislead the international community by giving a notion that a law and order mechanism is in place here. After every hue and cry on civilian killings the government orders probes that have negligible results in delivering justice. Ordering inquiries has just become a ritual and these inquiries are neither completed nor results made public. In fact the people of Kashmir do not have faith in these inquiries. Even under Commission of Inquiry Act, the State has never made the findings public or punished the guilty and this makes one to conclude that probes are made not to punish but to protect the perpetrators. This candid admission in itself reveals that inquiries and probes whenever ordered are just an eye-wash to gain time. They have only two purposes to serve; one to cool down the tempers of people and second, to hoodwink the international community and this is the reason that the word 'Inquiry' is the most discredited word in the Kashmir vocabulary in the past 26 years of human rights abuses.

During this year the state government has ordered around **14** inquiries into killings and human rights issues. However, these inquires haven't yielded any results so far.

- In the month of February, a Magisterial inquiry was ordered into the killing of two students in forces firing in south Kashmir's Pulwama. District Magistrate ordered a magisterial probe into the killing of a 19-year-old Danish Farooq and 2-year-old Shaista Hamid and appointed Additional District Magistrate (ADM) to inquire into the incident and submit the report within 15 days.

- The killing of a militant Sajad Ahmed Bhat on Srinagar outskirts in January this year came under doubt prompting the authorities to initiate an inquiry. On January 12, Police claimed to have killed Bhat alias Shawad, alias Sadak, in a brief encounter at Gasu near Zakura. According to media reports, the killing had come under suspension from day one. "An inquiry has been initiated by Additional Deputy Commissioner Srinagar, Syed Haneef Balkhi," a source privy to the development said. He said the militant was killed in a fake encounter and there was no gunfight in the area. Sources said the inquiry was ordered after government received reports that "there was no encounter in Zakura on January 12." The ADC, through a public notice in local newspapers, asked people to share information about the incident. (G.K, May 03)
- Another magisterial inquiry was ordered by Deputy Commissioner Anantnag, regarding an incident in which two youth were injured in the month of March, after Army opened fire on civilians in Aishmuqam area of South Kashmir. The Additional Deputy Commissioner Anantnag was asked to ascertain the facts and furnish his report within 15 days.
- In the month of April, a time-bound inquiry was ordered regarding the clashes at National Institute of Technology (NIT) in Srinagar, and additional district magistrate of Srinagar was appointed to conduct the inquiry and submit his report within 15 days.
- Additional Deputy Commissioner Handwara was appointed as Inquiry Officer by government to probe Handwara killings of 3 persons including a 60-year-old woman who were killed in army firing on April 12 after alleged molestation of school girl by the army man. Two more youth were killed in subsequent shelling and firing by security men in Dragmulla and Natnusa, Kupwara areas. Deputy Commissioner Kupwara, directed the ADC Handwara to probe the killings in his area, the ADC Kupwara and Assistant Commissioner Revenue (ACR) Kupwara were directed to probe the killing of other civilians. Army also ordered probe into the incident.
- A similar inquiry was ordered in Jammu into the killing of a civilian in Samba when police opened fire on Gujjar community protesting against demolition of their hutments. Additional Commissioner was ordered to probe the killing and subsequent law and order disturbance in the area. The time-frame for the probe was fixed as 15 days.
- On July 18, three civilians including two women were killed in Army firing in Qazigund area of Kulgam district. Subsequently, the Deputy Commissioner ordered a probe into the killings. According to a government notification, Additional District Magistrate Ghulam Hassan Sheikh was appointed as the inquiry officer and was directed to submit report within 15 days.
- Similarly, Deputy Commissioner, Srinagar ordered probe into killing of Shabir Ahmad Mir at Tengpora Batamaloo on July 10. Additional Deputy Commissioner Srinagar was directed to probe the killing.
- Another probe was ordered by Deputy Commissioner, Kupwara into killing of Bilal Ahmad Denthoo on July 18 at Kawari Kupwara and Additional Deputy Commissioner Handwara was directed to probe the killing.

- On December 02, Deputy Commissioner (DC) Kulgam, Showkat Ajaz along with a team of civil and police officials reached the spot where people had blocked the Srinagar-Jammu Highway along with the dead body of Asadullah Kumar, 39, a fisheries department employee and a native of Mundhar village of Devsar. Army claimed that he was killed in exchange of fire between militants and forces while locals refuted their claims and alleged that there was no encounter. The Deputy Commissioner pacified the people by assuring magisterial probe and told them that the magisterial inquiry will be conducted by Assistant Commissioner Revenue (ACR) Shahnawaz Ahmed. Deputy Commissioner also assured the protesters that victim's family will also get the ex-gratia and a job under SRO 43.
- According to reports, on December 28, District Magistrate Kupwara appointed Additional Deputy Commissioner, Kupwara as inquiry officer to conduct the magisterial inquiry into the various killing incidents that took place in different areas of the district during the month of July this year. In this connection, the Additional Deputy Commissioner, Kupwara has sought information from the person having knowledge about the killings of Zahoor Ahmad Shiekh resident of Warsun, Bilal Ahamd Dantoo resident of Kawari, Mushtaq Ahmad Dantoo resident of Kalaroos, Showkat Ahmad Ganie resident of Hatmulla and Gh Mohammad Mir of Khumriyal.

According to some media reports the Government has also ordered probes into three incidents of civilian killings:

- 12- year-old Junaid Ahmad who was killed near his house in old Srinagar, when forces fired pellets at him.
- A 21-year-old ATM guard Riyaz Ahmad Shah who was also killed by the forces after being hit by pellets, while returning home after attending his duty.
- Lecturer Shabir Ahmad Mangoo, 30, was beaten to death by the Army in Khrew Shaar area.

ROLE OF MEDICAL FRETERNITY

The protection of the wounded during an armed conflict is the first founding principle of the Geneva Convention, to which India is a signatory. During the armed conflict, it has to be ensured that effective help and medical facilities for the sick or wounded must be provided and protected in all circumstances. But during the turmoil which started on July 8, it was observed that in many cases government forces impeded injured person's access to urgent medical care and by preventing doctors and other medical staff from reaching the hospitals during curfews and restrictions. It was also observed that by obstructing the movement of ambulances and road block by the protestors also impeded patients' access to urgent medical care.

Despite so much of hostile environment, risking their own lives number of ambulance drivers associated with hospitals and other health centers ferried injured persons and other patients from various hospitals to tertiary care medical

institutes for advanced treatment. There are ample examples that while ferrying injured patients, ambulances were stopped, beaten and thrashed by forces personnel. Even the patients and attendants were also beaten. In one such incident on July 12, an ambulance of Sub-District Hospital in Bijbehara ferrying an injured person namely Aamir Nazir Latoo to a territory care hospital in Srinagar was attacked by the men in uniform at the gate of Sub-District Hospital in Bijbehara. The forces personnel attacked the ambulance with stones and batons, breaking its windows and injuring the driver of the ambulance, who fled from the spot. Then forces attacked Aamir's father and other persons accompanying the injured Aamir and another injured person. After the intervention of the police the ambulance was allowed to go after half an hour and one of relatives of an injured drove the ambulance to Srinagar.

The ambulance drivers, who despite so much of hostile environment were providing their exemplary services in trying circumstances, become easy targets of paramilitary troopers and at times protestors. According to Directorate of Health Services, Kashmir, government forces and protesters damaged more than 120 ambulances since the present uprising began on 8 July in Kashmir. After so many attacks against the ambulance drivers both by protesters and government forces, resistance leaders were forced to issue statements asking the youth to desist from attacking the ambulances.

Principal of the state-run medical college, while talking to media admitted that several of the injured died because delay in reaching the hospitals led to massive blood loss. "Chances of trauma patients losing the battle for life become greater if they lose the golden hour," he said. The 'golden hour' is the time between receiving a trauma injury and reaching the hospital, which could be an hour or even less.

On August 18, an ambulance driver, Ghulam Mohammad Sofi, who was bringing patients from Ganderbal to Srinagar hospitals during the wee hours of the night, had a miraculous escape when paramilitary CRPF personnel fired pellets at him in Safakadal area, causing serious injuries to him. 32-year old, Ghulam Mohammad Sofi, despite being severely injured in the right arm and shoulder and bleeding profusely, drove the ambulance with one hand for nearly one kilometer to the hospital where he was admitted for treatment and later shifted to Bone & Joint Hospital for a surgery. Sofi, who is a driver with Primary Health Center at Wussan in Ganderbal, was shot from a very close range and more than 200 pellets had pierced his right arm and shoulder, told media reporters that he had to drop a patient at Children's hospital at Sonwar, Srinagar and another patient at B&J Hospital, Barzulla. According to him, the joint party of CRPF and police which was patrolling near CRPF camp in Safa Kadal didn't stop them and the ambulance proceeded towards Lal Chowk. But the moment, the ambulance reached near Safa Kadal Bridge, a CRPF man, "without signaling anything fired directly at me with his gun", Sofi said. After hue and cry from different quarters and strong protests from the medical fraternity, the CRPF placed under suspension the accused Sub-Inspector Bhim Singh Yadav of F-78th battalion who had fired upon the ambulance driver and a departmental inquiry was initiated against him.

According to media reports on August 05, Police and paramilitary CRPF forces fired teargas shells to disperse people who had gathered outside the casualty/emergency of SMHS hospital to offer funeral prayers of Sameer Ahmad Wani of Khansahab Budgam who had succumbed to bullet injuries. To disperse the people, forces fired teargas shells. The shelling continued for at least 10 to 15 minutes and some of the shells landed insides the premises of the hospital. Earlier in the month of June the forces had resorted to shelling in the premises of the hospital, some of the shells had landed in the corridor of the hospital. The use of force by the forces personnel had created panic among attendants as well as patients. Some of the women attendants, who had assembled in the casualty corridor, were in shock amid sobs.

At a time when hospitals were flooded with injured persons, pouring in from every corner of the Valley and doctors were tirelessly treating such injured people, some miscreants brought bad name to society in the name of protestors by obstructing the movement of doctors, even attacked their vehicles and hurled stones on them. In one such incident Dr. Sajad Ahmad Bhat, a casualty Medical officer (CMO) at SMHS, Hospital Srinagar was attacked at Machow, Chanapora, resulting in fracture in his right hand.

In one more vicious act, on November 5, a bus of SKIMS, Soura, ferrying medical staff was attacked with stones at Cement Kadal. The bus was severely damaged and three staff members got injured.

It is important to mention here that, since July 08, in Kashmir, all public offices, schools, and other institutions were closed. The only visible signs of a functioning institution were the hospitals. The state's health department was dealing with very large number of people injured by the forces, it declared a medical emergency in the state and the leaves of all the medical staff were cancelled. From treating pellet injuries to treating people who were suffering from the traumas, medicos have done a great job. Not only medicos, the non-medicos that make up a larger proportion of the hospital staff had also been of immense help in the time of crises. The services tendered by drivers who were ferrying the patients in the most eruptive and violent phase also deserve much appreciation.

ROLE OF NGO'S

During the unrest in Kashmir, which started after July 8, hospitals of the valley were flooded with in injured persons and their attendants. Due to restrictions, protests, blockades and curbs entire valley came to a halt and the attendants were not able to move out to get life saving drugs and the required things. International humanitarian and medical relief organizations like Doctors without borders, Red Cross, Save the Children, Action Aid, UNICEF, MSF and others, with a mandate to provide medical aid and humanitarian relief to people, especially children affected by violence, failed to show their presence during the time of unrest. While Kashmir Valley was going through painful times and thousands of injured children, adolescents and young adults were being rushed to hospitals and during these critical days of medical emergency hospitals were short of ambulances but

MSF Mededins Sans Frontiers office in Srinagar was closed as they were on holiday and their ambulances and vehicles were parked inside the premises.

But at this critical juncture some local voluntary organizations came forward and provided free of cost life-saving drugs, medicines and thus many precious lives were saved. As the hospitals were crowded with attendants and stranded passengers. Many socio-religious groups and NGOs started relief camps in all the major hospitals of Srinagar and other district hospitals. These local voluntary organizations and NGO's distributed medicines, food, milk, packaged water, cash, clothes, blankets and ambulance services to the injured persons, other patients and their attendants. Many people were going to hospitals to donate blood for the injured persons and all those who came forward at that critical juncture need to be applauded.

International humanitarian and medical relief organizations like Doctors without Borders, Red Cross, Save the Children, Action Aid, UNICEF, MSF and others, have played a commendable role in many parts of the world and their presence has really made a difference in those countries. But in Kashmir, during the times of crises the role of these International humanitarian and medical relief organizations has been disappointing. According to some sources, helping the injured in Kashmir is not included in the memorandum of understanding (MoU) most of these organizations have signed with the government of India. But to justify their stay in Kashmir and for the betterment of their own image, these organizations need to modify the MoU and take tangible measures by providing medical aid to the victims on humanitarian basis as they do in other parts of the world.

TORTURE

India is one of the few countries which have not ratified the convention against torture. Understandably keeping in view its record in Kashmir where torture is a daily routine. **People are beaten at the slightest provocation** and torture remains a state policy to subjugate and suppress the masses. But due to fear and reprisal from the state forces, only few victims spoke out about their custodial torture.

According to documents leaked to WikiLeaks was a US Embassy report disclosing the findings of the International Committee of the Red Cross, a respected conservative organization which carefully backs up everything. They reported that there had been torture in the Indian state of Jammu & Kashmir. The ICRC claimed out of 1,296 detainees it had interviewed, 681 said they had been tortured. Of those, 498 claimed to have been electrocuted, 381 said they were suspended from the ceiling, & 304 cases were described as sexual.

Serious allegations of torture came to fore in the month of March, 18-year-old, Sajad Ahmad Bhat from Langate area of Kupwara district was tortured by an army major. Soldiers of the 6 Rashtriya Rifles, stationed at Kukroosa in Handwara, cordoned the village Zafarkhani during night and started a search operation in the morning and soldiers took a few youth along with them for the search operation

but after finding nothing they abused them and took Sajad, son of Abdul Ahad Bhat, to the nearby house and subjected him to third degree torture. Sajad was gagged with a piece of cloth and beaten up till he bled. Only after the protest by local residents he was released. The victim was first taken to district hospital Handwara but shifted to Srinagar on the advice of doctors.

July 08, online edition of the daily Rising Kashmir uploaded several pictures of a youth who was tortured by the army. "Youth tortured allegedly by Army's 22 RR, a day after Eid al-Fitr at Duroo, Dangerpora in Sopore town of north Kashmir. The youth were allegedly called to the Army camp and beaten mercilessly for protesting against the killing of HM Commander Sameer Wani who was killed last week in a gunfight with troops and paramilitary forces at Nagri Kupwara." was the caption added with the photos.

After July 8, valley witnessed one of the worst crackdowns in which thousands of persons were arrested, detained and jailed. During this period there were number of allegations of arbitrary arrest torture.

In one such case, in the first week of August, an 8-year old boy, Basit Manzoor, a 5th class student of Muslim Medium Education Trust School, Pulwama, was among over 80 boys arrested by police in Pulwama, triggering widespread protests. And when Basit's mother went to the police station, she remained inconsolable after seeing her son being "tortured'' and ruthlessly beaten up.

While taking cognizance of newspaper reports over his arrest, the Jammu and Kashmir High Court on August 8, directed Senior Superintendent Pulwama, Pulwama to hand over custody of the minor to his mother within a day. Citing the newspaper reports that Basit was allegedly tortured, the court observed, "Section 82 of Ranbir Penal Code provides that nothing is an offence which is done by the child under seven years of age." It added: "Section 83 of Ranbir Penal Code provides that nothing is an offence which is done by the child above seven years of age and under 12, who has not attained the sufficient maturity of understanding to judge the nature of consequences of his conduct on that occasion". The Court directed Principal District & Sessions Judge, Pulwama and Chief Judicial Magistrate, Pulwama to get Basit examined by a doctor and send the report through Fax to the Registrar Judicial of High Court within two days time.

Recently there were allegations of torture against army in North Kashmir's Sopore. According to Qari Naseer Ahmad Sheikh of Halmatpora village of Kupwara, a Srinagar-based Imam, he was severally beaten and tortured by army on August 21, when he was returning home at Halmatpora (Kupwara), the vehicle was stopped by the army near fruit mandi crossing, Sopore bypass. After checking identity cards, the army personnel allowed other passengers to go but he was told to stay there for some verification. Narrating the tale of torture Qari Naseer says that he was taken to an orchard some 200 yards from the spot. "They asked me to hug an apple tree in the orchard. When I did this, two of them caught hold of my arms, forced a piece of cloth into my mouth and started ruthlessly beating me. For more than half an hour they took turns to beat me with bamboo sticks, kicks and

gun butts. They blindfolded and bundled me in an armored vehicle and took me to a nearby camp where they searched my bag and found two dresses of clothes. They asked me to change as my clothes which I was wearing were torn apart. They wanted me to admit that I have links with militant organizations and I have received money for provoking the people in Friday sermons, which was not true. I told them that I was simply an Imam, but they threatened me of dire consequences if I didn't obey their diktats. When I remained defiant, they again started kicking me. I was lying on the ground and crying in pain. An army man with two guns came closer to me and said that they will kill me in a fake encounter and take my picture with AK 47 rifle. I thought those were the last moments of my life and I was shivering. On gun point they asked me to write on a piece of paper that I was questioned by forces and left untouched. They threatened me to sign it. I signed it to save my life. Thereafter, I started vomiting. Seeing my health condition deteriorating, they again bundled me in an army vehicle and threw me on Sopore By-pass road." Qari Naseer says while narrating the tale of torture. As he was admitted in hospital for treatment, police and army refuted such claims. (G.K October 02)

The use of torture and other ill-treatment by police and other government forces and the failure to provide justice to victims of abuse violate India's obligations under international human rights law. India has ratified the International Covenant on Civil and Political Rights and signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. India has also signed but has yet to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which seeks to deter torture and other grave abuses against persons in custody.

BORDER CLASHES

The clashes between the forces of India and Pakistan at the border are consuming precious lives on both sides of the border. Due to frequent trade of fire between the two sides, shells often hit the residences of people living near the line of control and result in fatalities on regular basis. At least eight civilians were killed and 22 others injured in one such incident along the border in Jammu province on November 01. Similarly, on November 23, nine bus passengers were killed by Indian firing and shelling in Pakistan Administered Kashmir. A day before, four civilians were killed. On both sides the death and destruction caused by the firing is unprecedented. During this year around 14 deaths were reported from this side of the border.

On both sides the situation has made thousands of people abandon their homes and migrate to other locations. Over 20,000 residents of border villages in Jammu, Samba and Kathua districts migrated to safer places as authorities declared areas close to the border "out of bounds" for all civilian movement. Similarly, hundreds of families in Karnah and other border areas of Kashmir also migrated to safer places due to war hysteria. Agricultural and grazing activities for livestock are being hampered. The undesirable and the adverse effects resulting from the displacement hamper the socio-cultural life, deprivation of educational facilities

and essential services like communication and transport, and also loss of identity and a dignified life. Moreover, education for thousands of children is being interrupted. In one such incidents, the authorities ordered closure of 400 schools in the border areas during the recent escalation on boarders.

Large numbers of people along the border are living in a state of fear due to the escalation in tensions, which have been further amplified due to the celebration of the surgical strikes claimed by the Indian Army to have been carried out across the LoC. It was in 2003 that India and Pakistan mutually agreed to cease the cross-LoC fire and therefore put an end to the damages and fatalities not only suffered by the two armies but also by the people living there. However, with a number of ceasefire violations recorded almost every year the truce has been literally called off. The two sides must engage in a fruitful dialogue on all issues including the Kashmir which has only soured the relations between the two countries. The cross-border skirmishes have only taken a heavy toll on the people and must be avoided at all costs. The engagement needs to be started both at the political level by way of involvement of the leaders of the two countries as well as at the military and diplomatic level to end the stand-off and garner peace in the region.

STATE HUMAN RIGHTS COMMISSION

After being constituted in 1997, for safeguarding human rights in the state, SHRC has remained headless from time to time. The SHRC, which is quasi-judicial government body, has a designated strength of five members, including its chairman. But the commission has been rendered defunct by the government since June 28, 2014, when it's remaining two members Amlok Singh and Rafiq Fida attained superannuation in June 2014. Since then the commission remained headless and without the required strength and as a result, hundreds of cases related to human rights abuses were pending with the commission. Due to non seriousness of the State, people at large were deprived of a redressal forum and the Government's callous approach towards this issue resulted in a general sense of hopelessness.

But this is nothing new with this Commission, fact of the matter is that no formal chairperson was appointed by the State since 2011 and that senior members were designated as acting chairpersons and thus the non-serious approach of successive governments has always affected the very basis of the institution for which it was set up.

However, in October this year, Government appointed Justice (retired) Bilal Nazki as Chairperson and Jang Bahadur Singh Jamwal, District and Session Judge (retired) as Member of the commission. As Government made the State Human Rights Commission (SHRC) operational to provide forum for the people to lodge complaints of human rights violations but at the same time there is a need of not reducing the Commission to the authority of issuing only the recommendations to government. But being only a recommendatory body, the commission's hands remain tied as it has not been provided with enough powers to force implementation.

Under Section 12 of the Jammu and Kashmir Protection of Human Rights Act, 1997 it is mandatory for the state government to initiate action on the report of the Commission within a period of four weeks from its receipt and intimate the Commission about the action taken. The successive governments have come in for sustained criticism from the SHRC for ignoring its recommendations. In 2006, SHRC Chairman Justice (Retd) A M Mir resigned from his post citing "growing human rights violations" and "non-seriousness" of the state government on the issue as the reason behind the decision. He complained about the non-seriousness of the government about the working of the commission.

State Human Rights Commission can play a vital role in these difficult times and its believed that the proceedings in SHRC favorably affect the psyche of the sufferers. And it also keeps a record of the cases and complaints filed, which can be used by researchers and historians. More importantly it remains to be seen if SHRC sheds its image of being a 'toothless tiger' under its new head.

STATE INFORMATION COMMISSION

Right to Information is a Fundamental Human Right. Freedom of Information (FOI) or right to information is defined as the universal right to access information held by public bodies. This right has been recognized by the United Nations. It exists in the article 19 of the Universal Declaration of Human Rights, ensuring the right of every individual to "freely seek, receive and impart information. It's the free flow of information, and more than just the right to speak, it is also the right to seek and receive information held by public bodies.

After State Human Rights Commission and State Consumer Disputes Commission, Jammu and Kashmir State Information Commission has also become headless as the first ever Chief Information Commissioner GR Sufi completed his tenure on February 29, 2016. The Commission (SIC) has been left entirely defunct after its lone Information Commissioner completed his term on November 17, thus stalling its overall work and leaving no higher authority for the public to appeal to under the Right to Information Act. Thus the Commission (SIC) is almost defunct as all the three commissioners have completed their term.

Pertinent to mention that Jammu & Kashmir State Information Commission (SIC) which has been constituted under the provisions of J&K RTI Act 2009, is responsible for implementation of RTI Act in the state. It is because of intervention of this commission that Government officials started providing information under state RTI Act to people and thus became a source of hope for the aggrieved citizens. And the commission was distinguished in the sense that it had punitive powers whereas other commissions have only powers of recommendation.

As per Section 12 of the J&K Right to Information Act, the general superintendence, direction and management of the State Information Commission vests in the State Chief Information Commissioner and he is to be assisted by the two State Information Commissioners.

The post of one State Information Commissioner out of two was already vacant. Dr SK Sharma one of the Information Officers had demitted the office in October 2015 while another Information Commissioner Nazir Ahmed also demitted the office in November 2016. Thus the three-member Commission which is headless and without commissioners is completely defunct as the Government didn't set any process in motion to fill the vacant posts. Due to this official apathy, lots of cases are pending before State Information Commission and RTI act is dying its silent death.

It has been noted very often that it's not a real fundamental human right of itself but it's also a cornerstone right in the sense that all other rights depend on it. So it is somehow based on other rights. Access to information is a right and that it also has an instrumental value to help citizens to get other basic rights. Government is responsible for the implementation of freedom to information. Because Freedom of Speech & Expression, free flow of information, open and free dialogue is possible only when sufficient information is available for further deliberations and discussions and RTI has brought greater degree of 'Freedom of speech and expression' which paved ways for comprehensive human rights but Government and opposition in coordination with each other have intentionally and deliberately made State Information Commission paralyzed and their failure to revive the Commission and keeping the rights watchdog defunct and paralyzed is a gross violation of human rights.

Muhammad Raafi